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HISTORY OF ENGLAND.

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HISTORY OF ENGLAND

From the Earliest to the Present Time

IN FIVE VOLUMES

BY

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VOLUME I

BEING

THE HISTORY OF ENGLAND TO THE END OF THE REIGN OF EDWARD I

LONDON
JAMES WALTON
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I Dedicate this Work

OF BOTH MY YOUTH AND MY ADVANCED YEARS TO MY GOOD OLD FRIEND FROM YOUTH UP

GEORGE TAMPLIN, ESQ

OF 12, MANCHESTER SQUARE, LONDON

E. S. CREASY.

PREFACE.

THIS book was planned, much of it was written, and some of it was printed, many years ago. But since I left England, in 1860, I have had duties to perform which leave little leisure for literary occupations. And several parts of what I had composed while at home have been re-written by me here, in consequence of the new light that has been thrown on our history by numerous publications which have appeared during the last eight years. But the second volume is now almost ready for the press, and I trust that the remaining three will follow at no long intervals.

I mention emphatically that this History of England from the Earliest Times to the Present is to be completed in Five Volumes of moderate size. I wish to warn my readers what they are not entitled to expect here. I do not profess to set out every English historical event of any importance, and every biographical occurrence of any interest, that is known of every period, and of every eminent English personage.

To do so would require not five, but fifty volumes. A full English History is certainly a desideratum in our literature, and in our apparatus for political life. But, even if it existed, a book on the plan of the present one would not be useless. Where a large long book is read by tens, a book of moderate size will be read by hundreds. But it must be a real History; and to be this, it must omit nothing that is essential for clear knowledge and sound judgment; and it must be something more than a dry compendium of dates and facts, or a series of disjointed essays. It must have animation as well as accuracy. It must have unity and entirety of organism and purpose; and it must have artistic proportions. Moreover, even as the biography of an individual is valueless without some knowledge of those with whom he had dealings, and of the society in which he moved, it is necessary to accompany the history of any one State with sketches of other States, and of the general progress of events in the civilised world.

All this is to be done. Whether I have done or can do it, is, of course, a very different matter.

I think it fair to add a few words of explanation about the absence of a regular set of references to authorities at the foot of each of my pages. Such a system of reference is now usual, and I should not like my omission of it to be ascribed to a want of industry, or to intentional eccentricity. This work is

chiefly founded on the manuscripts of Lectures delivered by me during the twenty years for which I was Professor of History in University College, London. In preparing my Lectures I carefully examined authorities, but I did not impede their delivery by formal citations or references, when I was dealing with facts respecting which, as facts, the great majority of historians are agreed, and which I was not anxious to exhibit from any novel point of view. Consequently, my manuscripts do not in general give me the means for a complete set of references; and there is no copious historical library here from which I might now collect them. But all that is written here is the result of painstaking search after the best available evidence, and of thoughtful consideration of the effect of that evidence. As to the merits or demerits of the work in other respects, the person most incompetent to form an opinion is the Author.

E. S. CREASY.

COLOMBO, CEYLON,
December, 1868.

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HISTORY OF ENGLAND.

CHAPTER I.

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THE land we live in has been called England for about ten centuries. It is the chief portion of the largest island of Europe; of an island situate to the north of the western part of the European continent. The name of Britain, which belongs to the whole island (comprising Scotland and Wales as well as England), is much more ancient; and the title of "the British Islands" (which title includes Ireland also) is of still earlier origin. Three hundred years before the birth of our Saviour, the Greeks had heard of two great islands in the Far West, called "the Britannic Islands," one of which was named Albion and the other Ierne. Afterwards, in Cæsar's time, the larger island was com-

Name of our country.

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monly called Britain; and the smaller and most westerly one was known as Hibernia. But the general name of "the British Islands" was never wholly abandoned; and it is still used to signify both Britain and Ireland. It also includes the little islets that lie near their shores: such as the Isle of Man, the Isle of Wight, the Scilly Isles, the Hebrides, the Shetland Islands, the Orkneys, and many more.

Configuration and territorial area of British isles.

The shape of Britain, the principal island (sometimes styled Great Britain), is that of an irregular triangle, having one of its sides longer than the other. The base is formed by the southern coast; a direct line along which, from the South Foreland in Kent, to the Land's End in Cornwall, would measure about 320 miles. The eastern side, from the South Foreland up to Dunnet's Head at the northern extremity of Scotland, is about 560 miles in direct length. And the western (which is the longest side) measures about 600 miles in a direct line from the Land's End in Cornwall up to Dunnet's Head, which forms the apex of the triangle.

The whole area of Britain is estimated at about 90,000 square miles. England is by far the largest part of the island, and is reckoned to contain nearly 51,000 square miles of surface. Scotland is the northern portion of Britain; and reaches as low down southward as the river Tweed on the eastern coast, and as the Solway Frith on the western coast. Scotland contains rather more than 31,300 square miles. The territory called Wales is a mountainous district near the lower part of the west side of the island; and includes about 7400 square miles. The collective area of the small islands adjacent to Britain is about 400 square miles.

Ireland lies to the west of Britain; and is divided

from it by the sea, the southern portion of which is called St. George's Channel, and the northern part the Irish Sea. The distance across this sea, at its narrowest space (which is between the Mull of Cantyre in Scotland and Fair Head in Ireland), does not exceed thirteen miles. The average distance from the Welsh headlands to the opposite Irish coast is about sixty miles. The area of Ireland, together with the little islands adjacent to it, is computed at nearly 32,500 square miles.

as compared with other countries.

If we compare our country as to territorial magnitude with other celebrated countries, we shall find that the British isles, taken together, amount to about four times the size of ancient Greece (exclusive of her colonies); to less by about one-third than Italy; to about six-tenths of the size of France; to rather less than six-tenths of the Spanish peninsula (including both Spain and Portugal); to about a sixtieth part of Russia; and to little more than a thirtieth of the territory of the United States of North America. If we take England and Wales only (omitting Scotland and Ireland), we shall find that our country is about twice the size of Greece; about a third of the size of Italy; less than a fourth of France or of Spain; not near a hundredth part of Russia; and less by fifty-nine sixtieths than the United States.

A small land may be the country of a great people.

The vast difference between the territorial extent of England and that of the two last-mentioned Powers is sometimes remarked by foreigners with a contemptuous sneer; but it obviously is folly to estimate a nation's greatness by the mere size of its territory; and that folly was nobly rebuked on a memorable occasion by one of our statesmen at the commencement of the present century. In 1802, during the brief continuance of the peace of Amiens between England and Napoleon the First, who was then First Consul of France, our

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celebrated orator and parliamentary leader, Charles James Fox, visited Paris, and was conducted by Napoleon through an exhibition in the Louvre of the products of French art and industry. Among these was a terrestrial globe of unusual magnitude and distinctness. One of the French courtiers, who followed the First Consul, pointed to our country as delineated on this globe, and sarcastically observed that "England filled but a small space on the face of the earth." Mr. Fox instantly replied: "Yes, our island is indeed a small country: that island in which the Englishman is born, and in which he would fain that his bones should repose when he is dead. But," added the English statesman, advancing to the globe, and spreading his arms round it over both oceans and both the Indies, "while the Englishmen live, they overspread the whole world, and clasp it in the circle of their power." *

Territorial grandeur of the present British Empire.

Indeed, with regard to modern times, all who would compare the territorial greatness of the English with that of any other people, should take into account not merely the area of England itself or that of the British islands, but also the ample transmarine possessions in almost every region of the earth, which we have acquired chiefly during the last century. The map of the British Empire exhibits territories, whose collective amount exceeds eight millions of square miles, and surpasses even in mere geographical magnitude almost every other empire of either ancient or modern times. In population and in wealth the superiority of the British Empire is still more decided. In the latter part of this work will be sketched the events, by which this magnificent dominion has been won for England. But through the earlier and the larger portion of our history

* This anecdote is recorded by M. Thiers in the 1st volume of his "History of the Consulate and the Empire."

our attention will be confined to the growth and the acts of our nation in and near to this its island-home; which still is, and will (we trust) long continue to be the fountain-head of British power, and the favourite domicile of freedom, empire, and glory.

We will now resume the consideration of the advantages or disadvantages caused to our nation by the geographical position and physical characteristics of our country. For there are many circumstances besides the mere size of a land, which materially influence, though they cannot wholly determine, the disposition and the career of the men who dwell there.

Geographical position of the British isles.

The British isles are nearly in the centre of the Northern Temperate Zone. Moreover, by reason of their proximity to the vast Atlantic Ocean, and especially through the influence of the warm sea-stream from the Gulf of Mexico,* which sets full on them, they enjoy a still more mild and more equable climate than that of continental regions within the same degrees of latitude. But the same winds, which come to us tempered by their previous passage over the great Western waters, and which cool our atmosphere in summer and warm it in winter, charge it also with abundant moisture; so that our climate is rendered more humid and foggy, than is the case in most other countries of the Temperate Zone. But, although we may sometimes repine at the gloom of our skies, and envy the more constant and more brilliant sunshine of lands of the East and of the South, we must acknowledge that our own climate is pre-eminently

* With reference to the effects of the Gulf Stream on the climates of Western Europe, the reader may consult with advantage Hughes's "Outlines of Physical Geography," p. 123, and the map at p. 105 of that useful little book. The subject is very fully and scientifically examined in the early chapters of the "Treatise on the Sea," by Lieutenant Maury, of the U. S. Navy.

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calculated to rear a hardy, vigorous, and energetic race of men. We have neither the enervating heats of Southern summers, nor the stunting frosts of the extreme North. We have no seasons of hurricane or excessive rains, like those which in many parts of the world make labour in the open air impossible during their continuance. And, on the whole, we may with truth repeat the observation attributed to one of our sovereigns, that there is no other country where out-door exertion may be taken for so many days in the year, and for so many hours in the day, as in England.

Its advantages.

Our manly climate.

The surface of England is pleasantly and beneficially diversified. Our country has its mountain-chains, its level lands, its more elevated plateaus, and its districts of alternating hill and valley. These are varied by open grounds, by shrubby tracts, by woods, and by forests, though the last have been for centuries gradually decreasing, in consequence of the progress and requirements of a population, that advances in its civilisation even more rapidly than in its numbers. Generally speaking, the soil of England requires sagacious and resolute labour. It will reward toil, but it will not dispense with it. There is not that prodigal fertility, which calls for little or no exertion and skill on the part of the agriculturist; nor is there that grim barrenness, which discourages enterprise and baffles industry. Wheat is grown throughout England, and in the lowlands in the south part of Scotland. Barley, rye, and oats, may be cultivated with profit in nearly the whole of the island. The potato, and others of the vegetables most needful to man, are produced abundantly in our fields and gardens. The most valuable of the domestic animals,—the horse, the ox, the sheep, the pig, and several kinds of poultry,

A soil for bread-winners.

thrive in our country; but all need the careful superintendence of man; and this need (like the character of the soil), not only stimulates industry and compels habits of forethought and order, but also invites and rewards the skill of the mechanic, the engineer, the chemist, the botanist, the physiologist, and of the workers and of the guides in many other important arts and sciences.

Wealth in useful minerals.

In minerals and in metals our country is very rich. The absence of gold and silver (in sufficient quantities to make the extraction of them from the soil remunerative) may have been advantageous rather than unfortunate for its inhabitants. But the far more important metal, iron, is found in our island more abundantly than in almost any other place in the world. This ample supply of iron, together with the still more remarkable abundance of coal in our island in proximity to the iron, may be reckoned among the main physical causes of the greatness which the English people has acquired; and especially of our immense progress in manufactures and commerce during the last three-quarters of a century, the period during which the power of Steam has been utilized by man. We have other important treasures in the soil of our island. We have abundance of salt,—a necessary of life, the importance of which we, from its commonness here, scarcely appreciate, but which we may learn to value by observing the importance attached to it in countries that are obliged to procure it from a distance. Though our island is destitute of the finer qualities of marble, such as the sculptor requires, we have quarries of various kinds of stone, whence materials for our buildings are abundantly supplied. In addition to iron, we have ample natural stores of the metals lead, copper, and tin: and, altogether, we may justly consider our country to be

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singularly gifted with the subterranean treasures of Nature.

Facilities of communication between British isles and other countries.

We have already observed the effects on our climate, which are caused by the geographical situation of the British islands. The position of our country on the globe is also to be considered with reference to the facilities or difficulties of communication which it makes between us and the inhabitants of other lands. The sea to the south of our island (now called by us the English Channel) is scarcely twenty miles across at the narrowest part, where it flows between England and the shores of the country (formerly called Gaul, and now called France) which is the nearest to us of the countries of Continental Europe. From the Netherlands the distance to our north-eastern shores is about 200 miles; and the passage from those shores across the North Sea to the nearest of the chief commercial districts of Germany is about 350 miles. A ship from our eastern ports has about 550 miles to cross before she enters the Baltic sea, on which are situated the principal harbours of Germany, Russia, Sweden, Denmark, and Norway. The western coast of Norway, which is washed, not by the Baltic Sea, but by the North Sea, is about 520 miles distant from us.

If we now turn to examine our position relatively to the countries that lie to the south of us, we shall perceive that the passage from our south-western shores to the chief ports of France on the Bay of Biscay is about 400 miles, and that the passage from the same parts of England across the Bay of Biscay to Spain is about 800 miles. A ship that leaves England for any of the countries of the Mediterranean Sea, or of the Sea of Marmora, or of the Black Sea, or of the Sea of Azov, has about 1200 miles to traverse before she reaches the Straits of Gibraltar, through which she passes to

enter the Mediterranean, and then proceeds on her further voyage of varying length, according to the port she seeks, which may be on the eastern coast of Spain, or on the southern coast of France, or in Sardinia, Corsica, Sicily, or Italy, or in Illyria, Dalmatia, or Albania, in Greece, or in Algeria, Tripoli, Egypt, Syria, or in Turkey, or Circassia, or the southern ports of the Russian empire.

A glance at the map will show that the position which England occupies in Europe is advantageous for maritime communication with the Western African coast, down to the Cape of Good Hope, and with the great and very important countries which may be reached after the passage round the Cape is accomplished—with India, China, Australia, and many other regions. Still more advantageous is the situation of our country for communication with the Western Hemisphere, with America, both Northern and Southern. An examination of a terrestrial globe will show these things more clearly and effectively than can be done by any verbal description. And even the Map of the World at the commencement of this volume will aid materially in explaining the character of our geographical position. It will be seen at once that, with regard to maritime communication with the rest of the world, our country is better situated than any other European country—excepting, perhaps, France and Spain. The great advantage which France and Spain possess of having sea-ports on the Mediterranean, as well as on the Atlantic, is incontestable; and in this respect each of these countries has a clear superiority over us. But we must judge the relative value of geographical position generally, and not with exclusive regard to any single point of view; and we must not forget that England is better situated than

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France, and far better situated than Spain, with reference to natural facilities of intercourse with the districts that lie near the Baltic Sea, and with the other regions of Northern Europe.

Even if we should consider that any of the countries of continental Europe may be on the whole better placed in the world than Britain is, for the intercourse of its inhabitants with those of other lands, we should always, when we make comparisons of this nature, bear in mind the incalculable benefits which we derive from the great though simple geographical fact, that our country has water all round it—that we are islanders. The advantages which an island possesses for purposes of national defence are self-evident; and we may, in addition, observe not only that the Sea is a more effective protection against an enemy for those who know how to avail themselves of their maritime position, than can be given by a chain of mountains, a desert, or any other natural land-barrier; but that the sea gives also the best possible path of pacific communication with other countries, instead of forming an obstacle to commercial and other friendly traffic, such as mountains and deserts interpose.

Value of insular configuration.

That the dwellers in an island are more favourably situated than the dwellers in a portion of a continent, with reference to the acquisition and preservation of domestic freedom, as well as with regard to the maintenance of national independence, is a remark that has been often made, but which must not be omitted in such an examination as we are now engaged in. The organised force with which an island must be provided for protection against foreign hostility, is not exclusively, or even principally, an army. No country, indeed, whatever be its territorial position or form, can be safe, unless it keeps up some amount

of soldierly spirit and some degree of military discipline among a portion, at least, of its inhabitants; but a maritime country, and especially an insular country, looks to its navy as its main bulwark from attack, and as its chief source of honour and power among nations. A navy is a force which it is equally difficult for domestic faction-chiefs to tamper with so as to promote insurrection or civil war, and for unconstitutional sovereigns to misapply for the purpose of making themselves despotic rulers of their people.

The form of Britain is also important with regard to another test of a maritime country's natural advantages or disadvantages. The test to which we now refer is the proportion between length of coast-line and superficial area. It is obvious that the aggregate length of all the lines of a country's coasts will partly depend on how many sides of the country in question abut upon the sea; and that it will depend also on the kind of outlines which its coasts present; on whether the coast-lines are smooth and regular, or are varied and jagged by running out in frequent capes and promontories, and by being indented with the mouths of rivers, with arms of the sea, with broad gulfs, and with deeply-winding bays. The more irregular the outline, the larger will be the amount of coast. A glance at the map will show not only the advantage as to coast-line which Britain has in being an island, but also how diversified our shores are by bays, by headlands, by adjacent islets, by the tidal channels of rivers, and by other frequent irregularities of figure, especially along the southern and western sides of our uneven insular triangle.

Large proportion of coast-line relatively to area.

If we take England and Wales only, we shall find that their proportion of coast-line to surface is more

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than three times the average proportion of coast-line to surface which Europe enjoys. * If we take the whole British isles, the superiority of our country in this respect to Europe generally is much more clearly manifest; and it is to be remembered that Europe is far the most favoured as to proportion of coast-line to surface of all the continents of the Eastern Hemisphere.

No place in the British islands is a hundred miles distant from the sea, and by far the greater number of our towns and cities are within half that distance from a shore. This contiguity or close vicinity of all parts of our country to the sea, and the large amount of seafaring population caused by the extent of our seaboard, have eminently favoured the growth of maritime enterprise and commercial prosperity among us; and the remarks of one of the ablest commentators on the history of ancient Greece* may be rightly applied to his and our own country. The ocean is the mightiest instrument in the civilisation of mankind: and they who have been most familiar with the seas, those great highways of nations, have ever been among the boldest and best in thought and deed, both as individual men, and in their collective action as members of free political communities.

We must not omit, among the natural advantages of our country, considered as the home of a great maritime nation, the number and excellence of our harbours, which can hardly fail to have been observed by any one who has traced the line of our seaboard. It has also been rightly remarked,† as a circumstance favouring our naval superiority, that the seas round our coasts

* Arnold. See the appendix to the 1st volume of his edition of Thucydides, p. 523.

† See Sir James Mackintosh's "History of England."

are never frozen, but the passage from our ports in any direction is open throughout the year. Our wintry waves are indeed boisterous and stormy; but their inclemency and uncertainty serve to call into action the highest qualities of seamanship, and to qualify the mariners, who have been trained among them, to brave and to overcome the perils of the great waters in every region of the world.

Physical advantages have aided but have not created our national greatness.

But while we gratefully recognise in the physical geography and local position of our country so many advantages, it would be error, and it would be self-degradation, if we were to consider these as the sole or as the chief causes of the greatness which England has acquired. Nature may supply opportunities, but it is man himself that, under God's providence, must find in himself the spirit to grasp and the skill to employ them. We shall indeed perceive in this history how often and how long the inhabitants of this country neglected the advantages of their position. And the power and prosperity which our nation has ultimately acquired, the unparalleled degree in which it has for so many years enjoyed the blessings of wealth, order, and liberty, are rightly attributed, by the most discerning and most impartial of English historians,* much more to the spirit of the English laws, and the excellence of the English constitution, than to the soil of this island, or to the latitude in which it is placed.

The constitutional and domestic history of England —that is to say, the history of our institutions during the last six centuries and a half—is by far the most important part of English History. It surpasses even the interest of what may be termed our external history—that is to say, the narrative of the dealings of

* Hallam.

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our State with other States, and of the enterprises and exploits, both military and pacific, of our countrymen beyond the shores of these islands. Yet even this last, the external history of our nation, has a grandeur and a variety, which made Niebuhr (the greatest master of historical knowledge that modern Germany has produced) pronounce his deliberate opinion that England alone, of all the modern nations of the earth, has a history like that of old Rome, a history affecting the whole human race. If our history is regarded even by foreigners as a fit subject to be studied by all, how much more ought it to be considered a fit subject of study by us, who are the inheritors of that constitutional freedom and of that national greatness, the growth and acquisition of which our history records? It is disgraceful to any person to be ignorant of his country's history; but such ignorance is especially shameful to the member of a free community, such as the English —who, when he arrives at manhood, will possess important political rights, and will consequently have to discharge most solemn patriotic duties. Clear knowledge and sound judgment as to things past are indispensable qualifications for dealing rightly with things present; and such knowledge and such judgment it is the primary function of historical study to supply. The history of England is, indeed, so vast and complex a subject, as to be inexhaustible; and no one should be vain enough to suppose that he will have mastered it after a few readings of a few books: but the general current of the fortunes of England may be observed and remembered, and the growth and general characteristics of our institutions may be discerned and appreciated, after no greater amount of intellectual labour, than many of us devote to studies far less ennobling, and far less practically useful.

Splendour of our constitutional history even greater than that of our progress to imperial grandeur among nations.

England a second Rome.

In this book, which has limits preappointed by other considerations than that of the multitude and magnitude of the topics which it might include, the simplest rather than the most scientific method will be followed. Now that we have considered the geographical position and the physical nature of our country, we will proceed to trace the events which have occurred here, in the same order as that in which they took place. But the comparative length or brevity with which they will be discussed must depend on their permanent importance or immateriality. Many of the early parts of our subject will be very shortly dealt with, so that we may have room for considering more fully the historical scenes and personages that have produced a more abiding and more practical influence on our country's actual condition at the present time. Neither the author's nor the reader's time will have been wasted, if the knowledge which the book gives, is, so far as it goes, clear and correct. Such knowledge is emphatically power —power to acquire more readily, and to retain more beneficially, ampler information from higher and more abundant sources.

CHAPTER II.

The Phœnicians in Britain—Tin trade—Importance to the ancients of tin as an ingredient of bronze—Early natives of Britain—Evidence from old sepulchral remains—The stone period—The bronze period—Metallurgy taught by the Phœnicians—Earliest inhabitants of Britain Celtic—Effect of Phœnician traffic on the Britons—Carthaginian and Massaliot commerce with Britain—Retrospect of ancient history before Cæsar's invasion of Britain—State and power of Rome at this epoch—Description of the Ancient Britons, as given by Cæsar and others—Cæsar's first expedition—The second—Independence and progress of the British till the renewal of the war by Claudius—Conquest of Southern Britain—Heroism of Caractacus—Revolt of the Britons under Boadicea: quelled by Suetonius—Successes and administration of Agricola—Britain partially Romanised—Incursions of the northern tribes—Roman fortifications against them—The so-called Tyrants—Reign of Carausius—Further ravages of the northern tribes—Roman troops withdrawn—Sufferings of the Britons—The Saxons take active part against the Picts and Scots—Nature and effect of the Roman rule in Britain—Conversion of the British to Christianity.

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First civilized man in Britain a Phœnician.

WE do not know, and there are no sure means of ascertaining, when it was that the British islands were first inhabited by mankind. The name of the first civilized man, who is recorded to have had any dealings here, is Midacritus.* He was, most probably, a Phœnician sea-captain or merchant, who came to the south-western end of Britain, to the part now called Cornwall, and took thence in his ship back to his home in Tyre or Sidon a cargo of the tin, with which the Cornish territory still abounds. His countrymen, the Phœnicians, and their kinsmen and colonists, the Carthaginians, continued for many centuries to carry on the British tin-trade which Midacritus had commenced.

* Plinius, Hist. Nat., lib. vii. c. 57. Lappenberg's Anglo-Saxons, vol. i. p. 2.

The important settlement, which the Tyrians made in very early times at Gades (the modern Cadiz) on the Atlantic coast of Spain, must have greatly facilitated this traffic between the dwellers near the Mediterranean and the tribes of North-Western Europe.* One great historian has even supposed that the Phœnicians founded their colony at Gades for the express purpose of promoting their ancient and most valuable commerce with Britain.† The importance of this commerce may be, to some extent, appreciated by us, if we call to mind, first, that by far the greater part of the metallic implements, arms, and works of art of the ancients were made of Bronze; and, secondly, that Tin, the chief ingredient of the composite metal Bronze, is found in very few parts of the world, and nowhere else so abundantly as in the south-western parts of our island. It is certainly possible that the Phœnicians, whom we know to have voyaged and traded in the Red Sea, and in the Indian Sea, as far at least as Ceylon, may have voyaged further eastward, and drawn supplies from the tin mines at Malacca; but there can be no reasonable doubt that Britain furnished them with their chief stores of this important

Extent of Phœnician commerce.

* See the chapter on "the Phœnicians," in the third volume of Grote's History of Greece. He well draws our attention to the length and difficulty of these voyages of the early Phœnician mariners. As all navigation before the discovery of the compass was conducted on the principle of always, when possible, keeping within sight of the coast, the old voyager from Tyre to Britain had a greater distance to sail over than the modern voyager from England to Calcutta. "It requires some effort to carry back our imaginations to the time, when along all this vast length of country, from Tyre and Sidon to the coast of Cornwall, there was no merchant-ship to buy or sell goods except these Phœnicians. The rudest tribes find advantage in such visitors, and we cannot doubt that the men whose resolute love of gain braved so many hazards and difficulties must have been rewarded with profits on the largest scale of monopoly." With high admiration for the learning and abilities of the late Sir G. Lewis, I have failed to be convinced by his arguments against the commonly received opinion on this subject.

† Niebuhr, Lectures on Ancient History, vol. i. p. 79.

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metal, which the unrivalled artificers of Tyre and Sidon, "men cunning to work in gold, and in silver, and in bronze,* and in iron," blended with the just alloy from the rich copper mines possessed by the Phœnicians in Cyprus,† and then wrought into innumerable forms and instruments of ornament, utility and power. The neighbouring, and even the remote nations obtained from the princes and the merchants of the Tyrian and Sidonian commonwealths these products of the mineral wealth of our island. The British tin mines mainly supplied the glorious adornment of Solomon's Temple; and hence also came the chief material of the armour of the kings and chieftains of heroic Greece.

British tin supported the Tyrian factories, adorned Solomon's Temple, and armed the Homeric heroes.

Phœnicians were the first civilised men, but they were not absolutely the first men, that came to the British isles. We have no written account of the tribes that they found here; but we have certain proof that they did find the land inhabited, and that its inhabitants were, at the time of the arrival of the Phœnician ships, a comparatively savage race, to whom the Phœnicians taught the art of working in metals, and, probably, other means and appliances of civilised life.

Savage tribes here before the Phœnicians came.

We learn this from the ancient burial places, and the relics contained in them, which are to be found in many parts of our island, and which of late years have been examined and compared one with another, with remarkable industry and sagacity.

* It may be useful to remind the reader, that the scriptural and classical words which are usually translated into the English word "brass" would more properly be rendered "bronze." Brass, which is a mixture of copper and zinc, was less early known, and far less extensively used by the ancients, than the mixture of copper and tin, which is strictly to be called "bronze;" though (as Johnson observes) the word "brass" is used in popular language for any metal in which copper has a part.

† See Niebuhr, vol. i. p. 78, for the great importance of the early Phœnician dominion in Cyprus, and on the richness of the copper mines of that island.

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The sepulchral mounds and stone-heaps, which are reasonably considered to be the oldest of all that exist in Britain, contain numerous implements of stone and bone; such as arrow-heads, spear-heads, adzes, and mallets, but none of any kind of metal. This proves that there were tribes here, who were hunters, and who had some rude practice of carpentry (possibly of masonry, also), but who knew not how to work in metal, and who were destitute of metallic weapons and tools.

Witnesses from the tombs.

We find another class of ancient tombs in Britain, not so old as those which contain stone or bone implements exclusively. This second class of tombs contains weapons and other articles made of metal, and (with the exception of a few small golden ornaments) the metal is always bronze. Moreover, this bronze is an alloy of copper and tin blended in the best, or nearly the best, possible proportionate quantities. These facts are rightly considered* to prove that the early inhabitants of Britain did not themselves discover the use of metals, and the art of working in metals, but that they learned these things from foreigners. It is also a very remarkable fact that no relics of copper are found in these ancient burial-places. Copper is abundant in Britain; it is a metal very easily worked; and, though inferior to bronze, it is so far hard and firm when wrought, that weapons and tools made of it would have been of very great value to men, who previously used nothing but stone or bone to point their spears, to fell their trees, and to rough-hew their canoes with. If the early natives of this island had discovered and had taught themselves metallurgy, they must have begun with the use of the simple metal copper, and could not have at once acquired the necessary knowledge and

* See Latham's Ethnology of the British Islands.

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skill for making an alloy of copper and tin, and for making, also, that alloy in the best proportions of one metal to the other which the experience of ages has sanctioned.

The Phœnicians did not merely supply the tribes that they found here with metal implements; but they also taught the natives how to make them. This is proved by the numerous moulds for adzes and other implements that are found among the relics of the bronze period of British archæology. Glass beads are also discovered; but there is no evidence that the men in whose tombs they are found knew how to fuse glass. It is far more probable that the Phœnician merchants brought the beads here, and used them in traffic with the inhabitants of the island, just as, in modern times, British sailors and merchant-adventurers have used glass beads in traffic with the savages on the coast of Africa, and in the islands of the Pacific Ocean.

Who were the Pre-Phœnician Britons?

We come now to the questions; of what race were these early inhabitants of Britain, whom the Phœnicians found here; and is there any ground for supposing that any other race had dwelt here at a still earlier period?

Here, again, we are without express historical authority; but there are means for forming at least a probable conjecture as to the truth.

There is every reason to believe, from the geographical position of our island, and other circumstances, that the first inhabitants of Britain came hither from Gaul; and that, like the Gauls, they were of the Celtic division of mankind. We know that the first dwelling-place of man was in Central Asia, whence, as mankind multiplied, its various families and tribes radiated and spread themselves over the other parts of the world. The natural line of progress from Armenia or Mesopo-

tamia to Britain would be through Gaul. And we have the very important fact that the names of places and persons in both Gaul and Britain, at the earliest periods respecting which we have any precise historical information, are unquestionably Celtic. To the present day our rivers and mountains, and other great natural objects, retain Celtic appellations. That is to say, they bear names which have a meaning in Celtic, but are utterly unmeaning, and mere gibberish, if treated as names given by a Finnish, a German, a Basque, or any other than a Celtic population. There is consequently very strong proof of the great antiquity of a Celtic population here: and there is an utter absence of proof of any other population having preceded it. It has, indeed, been thought by some antiquaries that they can trace in the size and development of the skulls and other human relics found in the tombs of the Stone period, a general inferiority to those found in the tombs of the Bronze period. In the latter the skull seems to be better developed, and the frame-work of the body to have been larger, than is the case with the former. Hence they argue that if we consider the remains found in the tombs of the Bronze period to be Celtic, we ought to assume that some other population, feebler than the Celts, such as the Finnish, preceded the Celtic race in the occupation of Britain, and left its memorials in the tombs of the Stone period. But it seems more reasonable to ascribe the improvement and increased size in the skulls and bones of the Bronze-containing tombs to the immense improvement that must have been made in the physical as well as mental condition of the native tribes, when the Phœnicians taught them the use and the workmanship of metals.*

Evidence of early Celts and no evidence of any earlier population.

* See Latham's Ethnology of the British Islands, pp. 27, 34: "Improved

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The question as to the amount of early Oriental civilisation here cannot be advanced beyond speculation.

Whether the Phœnicians communicated to the rude Celts, whom they found here, other arts, and whether they imparted to them aught of the science and of the religious ritual of Asia, is and must ever be mere matter of speculation. We have no certain evidence on the subject. Many have thought that the ancient architectural structures that are found in the British isles, and especially the round towers of Ireland, were raised by men of Eastern race, or, at least, by disciples of Oriental teachers; and that these mysterious edifices were designed for the services of the same creed, that prevailed in lands beyond the remotest waters of the Mediterranean. The supporters of these theories refer to some fragments of old poems (one of which purports to be copied from a Carthaginian writer), and which speak dimly of "Ionian Islands," of "holy headlands," and of mystical orgies, in the far North-western Atlantic. The truth of these speculations is possible; of some it is probable; but of none can it be demonstrated by such proof as is sufficient to make history. With the immense mass of indisputable English history before us, which we must abridge so closely, we cannot linger on these imaginative legends, however much they may attract the ethnologist, the antiquary, and the poet.*

implements, taken by themselves, merely denote either a progress in the useful arts, or, what is more likely, some new commercial relations. The same improved implements, if considered as means to an end, denote an improvement in the nutrition of the individuals who used them. The bones of a man who hunts stags and oxen with bronze weapons will carry more flesh, and consequently be more fully developed than those of a man who, for want of better instruments than flint and bone arrow-heads, feeds chiefly upon whale-blubber and shell-fish. The effect of the introduction of metal implements would be two-fold. It would act on the social state of the occupants of the British isles, and act on the physical condition of the soil. The vast forests, upon which stone hatchets would have but little effect, would be more easily cleared, and their denizens would be more successfully hunted."

* It seems that an argument in favour of the Oriental origin of the religious rites and edifices of the early inhabitants of the British isles, may be

As the power of old Phœnicia declined, her mighty colony Carthage drew to herself an increased and increasing share of the lucrative commerce with Britain; and at last she held it entirely in her own hands. The line of navigation to Britain was jealously guarded as a state-secret from all other nations; and history has recorded the spirited patriotism of a Carthaginian ship-master, who was bound from Gades for our coasts, and who, on seeing himself followed and tracked by a Roman ship, purposely steered upon a shoal, and led his pursuers into the same destruction. The Carthaginian captain saved himself on a fragment of the wreck, and on his return to Carthage the senate paid him the value of the cargo that he had sacrificed. But at last the Romans discovered the passage; and after the destruction of Carthage and the complete conquest of the western provinces of the Spanish peninsula by the Roman arms, some traffic between the British isles and the countries bordering on the Mediterranean may still have been carried on by the citizens or the subjects of Rome, along the old Phœnician route; but it is probable that during the last two centuries before the Christian era the greater part of British produce, that was imported into the civilised parts of the ancient world, was brought along what we may term the overland route, across Gaul, to the cities of Marseilles and Narbonne.

Carthaginian traffic with Britain.

Overland traffic with Marseilles.

The line of traffic with Britain had been opened by

drawn from the historical fact, recorded by Cæsar, that the Gauls got the religion which he found among them—the Druidical—from the Britons. The Gaulish coasts were little, if at all, frequented by the Phœnicians, the British extensively. If Druidism was of Oriental origin, it would naturally be first planted in the British isles, and then might extend its influence into Gaul. Had it been a primitive Celtic creed, it would have been brought by the Gauls into this island; and Cæsar would never have found reason to say of it, "Disciplina in Britannia reperta, atque inde in Galliam translata esse existimatur."—Com. lib. vi. 13.

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Greek enterprise at an early period, but still long after the establishment of the Phœnician trade, which was, I believe, always conducted by what may be called the long sea-voyage round Spain and the west of Gaul. The Greek colony of Massalia was founded about 600 B.C., by adventurers from Phocæa, in Asia Minor, itself a colony from Phocis in Greece. The Massaliots were pre-eminent, even among the Hellenic colonies, for their spirit of maritime enterprise and commercial activity. They did much towards civilising the Gallic and Ligurian tribes in the vicinity of their city, and they extended their trading operations throughout Gaul, and as far as the parts of Britain that lie nearest to Gaul. The products of Britain were brought across the channel to the Gaulish coasts, and thence up the Seine as far as that river was navigable. They were conveyed by pack-horses from the Seine to the upper waters of the Rhone, and were then reshipped and brought down the last-mentioned river to the ports on the Mediterranean. This was one line of traffic across Gaul; but the Massaliot merchants also availed themselves of the Rhine, the Loire, and the Garonne; and vessels from the mouth of each of these rivers frequented the British coasts. The Roman colony of Narbo (now Narbonne), which was established by the Romans about 114 B.C., participated with Marseilles in the overland traffic with Britain, and gradually acquired the larger portion of it. But it was Greek enterprise that originated this communication with our island; as Phœnician enterprise had first traced the still more daring and still more ancient Atlantic route.

Hitherto we have been searching and testing, and drawing inferences from a few historic facts respecting Britain, which we gather with difficulty from the scanty and the scattered memorials of many—we know not of

how many—centuries. The regular consecutive history of our country begins from the time when the Romans approached our shores, not as traders, but as conquerors; and it is to the pen of our first and greatest Roman assailant that we owe the first general narrative of deeds performed, the first clear description of men and manners existing in this island. Julius Cæsar invaded Britain in the fifty-fifth year, and again in the fifty-fourth year before the birth of Our Saviour. In the 4th and 5th books of his Commentaries he has related the operations of his troops here, and he has also given an account of the land, and of its inhabitants as he found them. And here, at the introduction of our country into the History of the World, in which she has so long occupied an important and often a pre-eminent position, we may well pause and retrace in our memories what the ancient civilised world had been, and what it was at the time when Britain was first brought within its sphere.*

Clear, full British history begins with Julius Cæsar's invasion.

The mention of ancient Oriental States, and the brief allusion to the question by what race was Britain first peopled, may have already made our minds revert to the regions in Asia, where we have every reason to believe the first families of mankind, after the Flood, to have had their dwelling-places, and whence the various branches of our race were spread throughout the globe. It was along the banks of the great Asiatic rivers, and of the Nile, that the earliest cities were built, and the capitals of the earliest empires established. There were first developed wealth and science, architectural grandeur and mechanical ingenuity; the subtle organisation and ceremonial splendour of sacer-

Sketch of the old civilised world before, and at the time when the Roman sword coerced Britain within its pale.

* "The instruction derived from the particular history of any one nation or state increases in geometrical ratio to the student's knowledge of universal history."—Palgrave's Normandy and England, vol. i. p. 346.

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dotal authority. These cities were the first centres of traffic; and it was in the rich alluvial regions near them that agriculture first flourished. Meanwhile the elevated plains, which form the vast centre of the Asiatic Continent, were roved over by pastoral tribes, that not unfrequently assailed and subjugated the opulent but less warlike inhabitants of the fertile lowlands, and of the cities with which those lowlands were studded. Conquerors settled in the conquered regions, and became the founders of new dynasties, and the rapid acquirers of far-extended empire: but each dynasty, in a few generations, grew civilised and feeble, and yielded in its turn to the assault of a new horde of Nomad warriors from the central plains. All these great empires were absolute monarchies; in all of them education, literature, and science, were controlled by a powerful hierarchy. The last and greatest of them, the Persian, raised itself on the ruins of its Assyrian, Babylonian, Lydian, and Egyptian predecessors in dominion. It included also many regions and states that had not been subject to any of the earlier empires; and among them were the Phœnician cities, to which our attention has been so often drawn, while we were investigating the archæology of British history.

Chief features of Oriental civilisation.

Career of Phœnicia.

Tyre and Sidon (the most eminent of those cities) were of great antiquity, though not coëval with Nineveh, with Babylon, or the earliest cities of Egypt. Tyre, in very ancient times, acquired a superiority if not a sovereignty over the other Phœnician states; and it is of Tyre only that we need make mention here. This Venice of the ancient world was for many centuries the undisputed Queen of the Mediterranean, and long also monopolised that coasting-trade of the ocean beyond the Pillars of Hercules which is so interesting to a British inquirer. And while she sent her mer-

chantmen northward to this island for tin, and to the Baltic for amber, she had ships plying southward along the Atlantic coast of Africa, which brought her gold-dust, palm-oil, and ivory. At the same time Tyre, by means of caravans and of the ports and fleets which she occupied and established on the Red Sea, kept in her hands a large and lucrative traffic with India. As ages rolled on, Greek colonies along the northern coasts of the Mediterranean excluded her from some of her old trading-posts and possessions; and her own daughter, Carthage, competed with her in the Spanish and in the Atlantic commerce. Tyre suffered also a destructive siege from the Chaldæan conqueror Nebuchadnezzar; but her undaunted citizens, leaving the ruins of their old city, established a new Tyre on an island at a little distance from the mainland. When the Persian power was extended to the coasts of the Mediterranean, New Tyre submitted to the authority of these conquerors, who left to her her local self-government and her commerce with but slight interference, and who required little from her beyond the services of her fleets in their wars against the Greeks—services which the Tyrian mariners willingly rendered against the hated rivals, who had dispossessed them of the Ægæan and Adriatic traffic, and whose colonists in Sicily and Southern Gaul were such active antagonists of the Punic race in the more important territories of the central and north-western coasts of the Mediterranean.

But these Greek wars were fatal to Persia and to Phœnicia alike. The ambitious spirit of the Assyrian, of the Chaldæan, and of the Egyptian empires had sought conquests in Asia and Africa only. Persia aspired to subdue Europe also. And mention of the attempts of the Persian kings to effect European conquests brings us to what is usually called Classical

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History: to recollections of the two great nations whose homes were in those eastern and central peninsulas of the European continent, which project southward into the Mediterranean Sea. In the smallest and the nearest to Asia of these peninsulas, the little Greek nation had subdivided itself into numerous independent states; and hence the Greeks had disseminated their colonies thickly along all the northern coasts of the Mediterranean and its connected eastern seas. In these Hellenic communities a civilisation far different from the Oriental, and of a far higher order, had arisen. The Greeks, as the vanguard of Europe against Asia, encountered, in the fifth century before the Christian era, and beat back decisively, the invasive Persian armies. Then came a century and a half of the political splendour of the central and southern Greek republics, especially of Athens, from the winning of the battle of Marathon against the Persians, B.C. 490, to the loss of the battle of Chæronea against the Macedonians, B.C. 338. This period is one of unparalleled lustre, not only for the exploits that were achieved, and the military and political genius that was displayed during it, but still more on account of the intellectual triumphs of Greece, and the imperishable empire over the realms of thought, which her poets, her philosophers, her historians, and her orators, established. Some of these glories were won by Greek authors of earlier, and some by writers of later dates than the period which has been specified. But the meridian of the literary splendour of Greece coincides with the time of her political and military ascendency. Her physical power rapidly decayed. The little states, into which she was subdivided, had, by the middle of the fourth century before our era, exhausted their strength in incessant contests with each other. No

Glories of Greece.

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state capable of extensive conquest, or even of defending its own independence against a vigorous attack, remained. The Macedonians — a race akin to the Greek, and ruled over by kings of Greek origin — effected the great mission of diffusing by their victories the intellectual treasures of Greece through the Eastern world, as Rome afterwards effected the same great civilising process throughout the West. But the conquering advance upon Persia of the Macedonians under Alexander the Great, though ultimately beneficial to mankind, brought heavy calamities on the generation then in being; and no part of the broken-down Persian empire suffered more grievously than the Tyrian. Not only was the new city of Tyre taken and destroyed, after a siege as obstinate and calamitous as that which old Tyre had suffered from Nebuchadnezzar, but the Macedonian conqueror, by founding the city of Alexandria in Egypt, and opening a new path for the commerce of the East, prevented any further revival of Phœnician prosperity. The old westward commerce of the Tyrians remained for awhile in the possession of their Carthaginian kinsmen, until Carthage was exterminated by the Romans about a century before the Roman invasion of Britain, B.C. 146.

Roman the universal history.

It has been well said by one whose authority on historical subjects is of the highest order,* that "the history of all nations in the ancient world will be found to blend in that of Rome, and the history of all modern nations will be found to have grown out of the Roman." This is emphatically true with regard to our country, which once formed part of the Roman Empire; and the consideration of who and what our conquerors were, forms an essential part of the history of our island.

English history grows out of it.

* Niebuhr.

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The Romans, originally the people of a single town in central Italy, gradually conquered the whole of Italy; and then from Italy, as from an increased centre of energy and an ampler basis of operations, they gradually conquered the various states and tribes that dwelt around the coasts of the Mediterranean. At the time when they attacked Britain, the Romans had already annexed to their dominion, as Roman provinces, Sicily, Sardinia, Corsica, a large portion of Southern Gaul, nearly all Spain, the fertile North African coast, which had once been the territory of Carthage, Numidia, Illyria, Macedonia, the best part of Greece, under the title of Achaia, nearly all Asia Minor, Syria, Phœnicia, and Pontus. Besides these, there were many states and kingdoms which eagerly assumed the title of "Allies of the Roman people," and were practically dependent on Rome, though permitted to retain the forms and appearances of self-government. Though never equalling the brilliant originality of Greek genius, the Roman aptitude for intellectual eminence was great: and there is much to admire in the strictly Roman character as displayed in the better ages of the commonwealth. Some, indeed, of its nobler features were never wholly lost in even later and degenerate times. A spirit of order, of calm courage, of self-respect, of grandeur in purpose, and resolute energy in performance, marked out the Romans among mankind. They were also not only a law-fearing, but a law-loving people. They alone, among all the nations of antiquity, cultivated and honoured Jurisprudence as a science. Their national character was deformed with many evil qualities, among which ambition, cruelty, and unscrupulous statecraft towards foreign nations, are darkly prominent: but no other people ever displayed equal capacity for not only

Characteristics of Roman civilisation.

making conquests, but for fusing the once independent and conflicting populations of the conquered countries into members of one compact and well-organised empire.

Rome's revolutionary century, time of her attack on Britain.

At the time of the invasion of Britain, the Roman State was still in name a Republic; but it had for nearly eighty years been convulsed and rent by almost incessant factions and civil wars: and it had been repeatedly subjected to the arbitrary dominion of successful military chiefs. Rome was rapidly approaching the close of her revolutionary century, which began when the wise reforms proposed by the Gracchi were encountered by the senatorial party with violence and bloodshed, and which ended when the result of the battle of Actium, B.C. 31, left Octavianus Augustus sole master of all the armed force in the Roman world.

Rome's moral degeneracy, but military vigour.

The Rome for which Julius Cæsar conquered, in order that he might conquer her, was sunk morally far below the high standard of the early commonwealth. Venality, licentiousness, and hard-hearted grasping selfishness, tainted her senate, her popular assemblies, and her tribunals. But though Rome in her civic, her political, and her social condition, was thus degraded, her warlike spirit was still unabated, and the discipline of her legions was unimpaired. And, as the leaders of her factions sought power and wealth by holding commands in her armies and by winning victories and provinces in new wars, Rome was now more formidable than ever to the nations whom her frontier approached.

Unparalleled greatness of our first invader.

It was also the misfortune of Britain, that the ablest general that Rome ever produced, and perhaps the man of the highest political as well as military genius that the world has ever seen, Julius Cæsar, was now commanding a victorious Roman army in the parts of the continent nearest

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to our island. He had been for some time actively engaged in subjugating Rome's ancient and formidable enemies, the Gauls. During his prolonged campaigns in Gaul he was gradually training a veteran force to the highest possible state of efficiency and discipline, to unbounded confidence in his genius and good fortune, and unquestioning devotion to his person. His ambitious schemes required money as well as men; and the sale of captive enemies as slaves formed in those times one of the chief means by which a victorious general replenished his military chest, and recruited his own private finances. Cæsar was obliged to expend enormous sums, not only in the support of his army, but in the bribes which he lavished among the leading orators and party-leaders at Rome, and by which he kept up his interest in the capital, while he was occupied in foreign conquests. I am persuaded that it was principally from reasons of this kind that he undertook his celebrated expeditions against Britain. Plunder—human plunder—was his great object. The Romans knew and derided the poverty of this island. They did not expect to find here stores of the precious metals, though, according to one report, ancient Britain produced pearls. But Cæsar believed that he should be able to collect a number of British captives, whom he could turn into money on his return to Gaul.* Doubtless, he was not insensible to the renown which was to be acquired by a victorious progress through an island, that was usually regarded with mixed curiosity and awe, as a region beyond the world of civilised mankind; and the Southern Britons had given him some slight pretexts for making war upon them,

Meanness of his chief motives for the invasion.

* See Cicero ad Atticum, 4, 16; and Catullus, Carmen 29, ad finem. This subject is finely alluded to by Mr. Pitt, in his great speech on the Abolition of the Slave Trade.

by assistance given from the island to some of the Northern Gauls. But to collect captives for sale was the great motive that led Cæsar hither. He was an imperial slave-trader; and, morally speaking, his enterprise deserves to rank no higher than the slave-hunts of the King of Dahomey, and other African potentates of the present time.

Britain as described by the Romans of that age.

It is, however, to him that we are indebted for the earliest descriptions of this island and its inhabitants: and from his Commentaries, aided by other sources of information, especially from the writings of Strabo and Diodorus Siculus, who lived within half a century of Cæsar's time, we may form a generally clear idea of who and what our predecessors in the island were, at the commencement of the last half century before the birth of our Lord.

It has been already stated that the inhabitants of Britain at this time were Celts, and there seems to be satisfactory proof that there were two branches of the Celtic tribes in the British Isles in Cæsar's time. One we may term the British or the Cambrian branch; and it still exists as a language and as a race in Wales. Formerly, it was spread over the whole of those parts of this island that are now termed England and Wales, and also over the southern parts of what is now called Scotland. The other branch of the Celtic stock survives in the native Irish, in the Highlands of Scotland, and the Manksmen of the Isle of Man, all of whom speak dialects of this, which is called the Gaelic, or the Erse branch.* Of these two branches, the British Celts were by far the most numerous and important; and it was almost exclusively with them that the Romans came into contact.

The British, when they attracted the fatal notice of

* See Latham's Ethnology.

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Subdivisions of the British States.

Rome, were a numerous people (in Cæsar's opinion), but subdivided into many independent tribes, each under its king or chieftain. Diodorus Siculus confirms the judgment of Cæsar as to the populousness of Britain, and states that the natives lived, for the most part, on peaceable terms with each other,—an honourable distinction from the incessant spirit of border warfare and civil strife, which generally raged among the little independent states of antiquity; especially as we know, by the gallantry with which the Britons resisted Rome, that their usually pacific bearing among themselves was caused by no lack of manly courage. The tribes of the maritime districts were less barbarous than those of the interior; and agriculture was extensively practised in the south of the island; so much so, that corn formed one of the principal articles of export from Britain to the Continent. Hides, tin, lead, slaves, and dogs of a peculiarly strong and fierce breed, are mentioned among the other things with which Britain supplied foreigners. It is remarkable that the Britons do not appear to have taken any part, either as shipowners or as mariners, in the trade with Gaul and other countries. They seem to have possessed no seagoing, or even any coasting vessels. Their only experience of navigation was what might be gained on their rivers and lakes; and even there they appear not to have employed any vessels more capacious or solid than their Coracles, frail boats made of slight ribs of wood covered with hides, such as the Welsh fisherman still uses on the Wye.

Characteristics of the Britons in war,

in agriculture,

as traders.

The Northern Britons seem to have advanced little beyond the hunter's and the pastoral state. They are described as subsisting chiefly on milk, on the flesh of their cattle, or on the produce of the chase.

Buildings are said to have been numerous in the

island; but British towns were merely spaces amid the woods and morasses, fortified with a stockade, like the Pahs of the modern New Zealanders, whom the Britons also resembled in their custom of tattooing and painting themselves. On the other hand, the art of working metals had become general. They used copper coins and iron bars, of a specified weight, as money; and the fact of a nation using money as a medium of exchange, instead of dealing by barter, proves a great advance from the savage state. Their practice, also, of employing armed chariots in battle implies skill in rearing and training horses. It proves, moreover, some advance in mechanical art; and their general use of chariots has been deemed by some writers to prove the existence of formed roads. Diodorus praises the simplicity of the manners of the Britons, and the honesty of their dispositions. Cæsar has mentioned the existence of one custom among them, which some modern writers have thought so improbable that they term it a mere Roman fable, while others have regarded it as proving that the ancient Britons were sunk in the lowest depth of barbarism. Cæsar says that it was common among them for ten or twelve men of near relationship to have their wives in common. Those who know to what an extent Polygamy, in the most repulsive form of Polyandry, has prevailed, and prevails, among oriental tribes of considerable civilisation, and that it has only been abolished within the last eight years in part of the British dominions,* will not be hastily led, by this

Polyandry an Ancient British institution.

* In the Kandyian territories of Ceylon. The convention by which the Kandyian province was ceded to the British, stipulated for the Kandyians continuing to enjoy their native laws and customs, of which this was one. At last, in 1859, Polygamy, in any form, was declared illegal in Kandy, at the earnest request of the Kandyian chiefs, on whom the disgust, with which this custom was regarded by Europeans, had produced a strong moral effect.

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part of Cæsar's narrative, to question either his veracity, or the accuracy of his information, as to this, or as to the more favourable portions of the account which he gives of the Britons.

The Druidical Religion.

The religion of the Ancient Britons was the Druidical; and the Gauls were said to have learned this creed from Britain, where it originated, and where the special knowledge of its most profound mysteries was preserved. The Druids were the priests, the lawgivers, and the judges of the people. No clear and authentic record of their tenets survives. We learn vaguely from Cæsar that they discussed and taught much touching the stars and their movements, and the magnitude of the universe and of the worlds, of the nature of matter and its compounds, of the power of the immortal gods and their intervention in the affairs of men. We know that they held the doctrines of the immortality and the transmigration of souls, doctrines to which the Romans attributed the contempt of death and resolute bravery of the British warriors. The oak and the mistletoe were objects of special reverence to the Druids. Whether Stonehenge and the other similar vast structures of remote antiquity, which still exist in Britain, were designed as shrines for the Druidical rites, is uncertain; but it is certain that the horrid practice of sacrificing human beings was largely practised by the Druids; and that it was common to place round their huge stone idols frames of wicker-work, under which the victims were placed and were then burnt to death. It was probably the horror with which these sacrifices inspired the Romans, and their dread of the magical power and of the mysterious rites that were ascribed to the Druids, that made the Romans except the Druidical religion from the contemptuous toleration, which they usually granted to the

creeds and rituals of conquered nations. Wherever the Romans acquired power, they extirpated Druidism with the most searching severity; and, as the tenets of the Druids were never committed to writing, the traditions of them rapidly perished, except so far as the Romans had observed and recorded them before Gaul and Britain were entirely subdued.

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Persecuted by the Romans.

If the political institutions of the Britons resembled (as is probable) those of their Celtic kinsmen in Gaul, they had, besides their kings and princes, a privileged class, a noblesse, among them; and the mass of the people was in an almost servile state. They were daring in war, but rather furious than firm in battle; and the Romans observed and profited by their deficiency in aptitude and steadiness for forming and maintaining any effective union against their common foe. It was remarked of them, after their conquest, that under a just government they were eminently loyal, and fulfilled their civic duties of provincials with readiness; but that they rose up freely and fiercely against insult and oppression.

Political Institutions.

Having determined on the invasion of Britain, Cæsar, towards the close of the summer of the year 55 B.C., sent over here a Gaulish chieftain, named Commius, whom he had made ruler over a conquered Gallic tribe, and who was supposed to have friends and kinsmen in this island, with instructions to represent to the maritime tribes the greatness of the Roman power, and to persuade them to seek safety by prompt submission.

Cæsar's first invasion.

This diplomatic preliminary was of little use, as Commius was instantly arrested and cast into chains by the Britons, to whom he addressed himself. Cæsar further summoned before him a number of the Gaulish merchants and mariners, who were supposed to be best acquainted with the landing-places of the island, and

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with the country near the coasts. They could not or would not give him much information; and he at last despatched a Roman galley, commanded by Volusenus, on an exploring cruise. Volusenus hovered along the south-eastern shores of our island for some days, but was afraid to land; and he returned to Cæsar with such notes as he had been able to make from his galley, as to the best places for the Roman fleet to approach. Cæsar was at this time with his troops in the country of the Morini, which included the Gaulish coast opposite to Britain, between the parts that are now Calais and Boulogne. The place that Cæsar chose for his embarkation was the Portus Itius,* which seems to have been the harbour afterwards called Witsand. Here he collected a fleet of eighty merchant ships and other vessels to serve as transports, and he also ordered hither his squadron of war galleys, which he had built and employed during the preceding year in his war with the maritime tribes of North-western Gaul. His army, on his first expedition, consisted of only two legions, one of which was the 7th legion and the other the celebrated 10th, a corps always distinguished, like Napoleon's Old Guard, by its valour and its commander's favour. The effective force of his infantry was probably about 8000 men. A small body of cavalry was ordered to embark at a point about eight miles below the place whence Cæsar sailed, but this part of his army never reached Britain.

The landing near Deal.

Early on the 26th of August, while it was yet deep night, and in the third watch of the night, the fleet of transports with Cæsar and his infantry on board, and

* I cannot make the Portus Itius correspond with any place in that part of the French coast opposite Sussex, from which Cæsar must have sailed according to Professor Airy's theory, which makes him land at Pevensey. But the very learned paper of the Astronomer Royal on this subject, in the 34th volume of the Archæologia, deserves a careful perusal.

accompanied by the war-galleys, sailed from Witsand and stood across with a favourable tide for the British shore. He proceeded slowly, expecting to be joined by the division of the fleet that was to take the cavalry on board. About eight or nine in the morning he was under the high cliffs of Dover. The Britons were assembled in large numbers to oppose a landing; and he judged it inexpedient to try to effect one in a place where his men would be so much exposed to the enemy's javelins and to other missiles from the neighbouring heights. He anchored, and waited till three in the afternoon, still expecting to be joined by the ships with the cavalry. About half-past three the tide began to make again and run to the northward, and Cæsar knew from what he had learned from Volusenus, that he should find a better landing-place in that direction. He accordingly weighed anchor, and coasting northwards, with wind and tide in his favour, he came rapidly opposite the shelving coast and low open country near the sites of modern Deal and Walmer. The Britons watched his movements, and hastened along the shore to be in readiness to meet him. Their cavalry and their war-chariots kept up with the Roman fleet, and the infantry followed as fast as possible. Cæsar therefore was obliged to force a landing. All the vessels of antiquity, both merchant-ships and war-galleys, were built for beaching; and Cæsar endeavoured to bring his whole fleet ashore, and land his legions at the water's edge. But it was still nearly low water, and the war-galleys and the larger merchantmen could not come close up to the sloping shingle of the beach. Consequently the Roman soldiers from the smaller vessels could only gain the beach in inconsiderable numbers, and the rest were obliged, when the ships grounded, to leap down into water

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several feet deep, and make to the shore, encumbered by their heavy armour, and unacquainted with the places where they had to fight. The British cavalry and war-chariots dashed boldly at them as they struggled up the beach, preventing each attempt of the legionaries to form in regular order. The British infantry also soon came up and took an active share in the conflict. Little encumbered by armour, and accustomed to the confusion of irregular warfare, the Britons rushed into the water to grapple with their embarrassed adversaries, or showered their javelins down on them as they struggled in the waves. It is evident that Cæsar sustained at first a severe repulse, and that his troops were greatly discouraged. But the Roman general now ordered his war-galleys to take their station on one of the flanks of the line of transport vessels. Each war-galley carried on its forecastle military engines for hurling darts and stones; and Cæsar made these play on the British army, as a modern commander would bring the great guns of his ships into play to cover a disembarkation. At the same time, Cæsar filled the boats of the larger vessels with troops, and then ordered a second advance upon the beach. The flanking volleys from the war-galleys, by the loss they inflicted, and by the terror which their strangeness caused, had forced the Britons to recede a little from the water's edge, and the Roman legionaries from the smaller ships and the boats now made good their landing. Cæsar mentions the conspicuous valour of the standard bearer of his favourite tenth legion, who sprang with the Eagle in his hand into the sea, and called on his comrades to follow him against the foe, unless they meant to betray the Roman Eagle into the hands of barbarians. When once the Romans had formed their ranks on the beach, the

issue of the battle could not be doubtful, though the Britons charged them again and again with devoted bravery. Ill armed and worse disciplined, the natives could not stand against the Roman legionaries, who were fully armed with helmet, cuirass, greaves, and shield; who were skilled to commence the conflict with a murderous volley of heavy javelins, hurled upon the foe when a few yards distant, and then with their short cut-and-thrust swords to carve their way through all opposition, preserving the utmost steadiness and coolness, and obeying each word of command in the midst of strife and slaughter with the same precision and alertness as if on parade. Cæsar's want of cavalry prevented him from inflicting so severe a defeat on the British army as would otherwise have been the case; but before the sun had set he had fought and won his first battle against the natives of the land, and his victorious legions were encamping on the British shore. As the increasing flow of the tide enabled his vessels to come up to the beach, the galleys were hauled ashore, the transport ships anchoring in the roadstead.

Roman victory.

The Britons were at first panic-stricken by their defeat, and they sent envoys to Cæsar's camp, who brought back the captive Commius, and offered many excuses for the past and many promises for the future. Cæsar received them with an appearance of graciousness, and directed them to send hostages; a direction which they promised should be obeyed as soon as the necessary persons could be brought from the interior. But on the fourth day after Cæsar's landing two disasters befell him that encouraged the Britons to resume hostilities. His cavalry, which ought to have sailed and landed with him, lingered on the Gaulish coast until the 30th of August, when they sailed with a fair and gentle east wind for Britain, and were in sight

Semblance of submission by the Britons.

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of Cæsar's camp, when the wind freshened to a gale and drove them dispersedly along the Straits of Dover. And on the night of that same day a worse calamity ensued, against which the Romans, if their seamanship had equalled their military qualities, might have been better prepared.

Disaster to the Roman fleet.

The slight ebb and flow of the Mediterranean had not prepared them for the force of the spring-tides of our channel, but Cæsar and his officers might have taken warning by what they must have witnessed on the opposite shore of Gaul. On the fourth night after his arrival here, there was a high spring-tide, which was increased by the same gale which had blown the ships with his cavalry on board off the coast. All Cæsar's fleet, both the vessels that had been hauled ashore, and those that were at anchor, were lifted up and dashed together by the waves. A large part of the fleet was entirely destroyed; and the rest was so damaged as to be no longer sea-worthy. Encouraged by these events, the British chiefs resolved to try to destroy the strangers, and to ensure Britain from further attempts at invasion. The situation of Cæsar, in his camp on the Deal flats, was indeed critical. He had no cavalry. He had brought no stores of provisions with him, and the disaster to his fleet cut him off from all communication with Gaul. He suspected the hostile designs of the Britons, though they kept up the semblance of submission; and he took speedy means to counteract them. With that laborious energy which was the great characteristic of the Roman soldiery, his men, under his directions, soon repaired the least shattered ships, using as materials the timber and tackle of those which had suffered most. He soon had a small squadron fit for sea, and re-opened his communications with the Continent. Meanwhile,

large detachments of his troops were daily employed in reaping and bringing in the corn from the cultivated districts in the neighbourhood. The Britons watched for the opportunity which this division of his forces seemed likely to offer. At last, one field only of the corn-lands near Deal remained unreaped. This seems to have been the most distant from the Roman camp; and the uncleared forest nearly surrounded it. Knowing that the Romans would come to this field, the Britons lay in ambush in the woods. The 7th legion, being one-half Cæsar's force, was sent by him on the dangerous but indispensable duty of bringing in the corn. The Britons waited till the Romans quitted their arms, and dispersed to begin reaping; and then, rushing out of the forest, they assailed them furiously, killing some before they could regain the spot where the arms were piled; and even when the Romans had recovered their weapons, and rallied round the guard which had been left over them, the Britons prevented them from forming in regular order, and pressed them hard on every side, especially with charges of cavalry and war-chariots.

Peril of half the Roman army surprised by the Britons.

The alarm of the peril of the 7th legion soon reached Cæsar, and he led the greatest part of the 10th in person to its rescue. On arriving at the scene of action, Cæsar found his men at the very brink of destruction, driven together in a confused mass, and surrounded by the exulting Britons, who were showering javelins on their almost helpless foes. By a steady charge of the picked troops whom he was leading, Cæsar broke through the circle of the British, and gave them a check, during which the 7th legion was able to open into regular formation. The action was soon renewed, and it is clear, from Cæsar's own narrative, that he gained no victory, and was barely able to bring his

Cæsar saves his men with difficulty.

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men safely back to his camp. He speaks emphatically of the alarm which the war-chariots, the essedæ, of the Britons caused among his veterans.

The Britons venture on a pitched battle, and are defeated.

Encouraged by this advantage, the Britons collected in large numbers, and a few days afterwards ventured on a pitched battle against Cæsar near his camp. But here the discipline and superior weapons of the Roman legionaries prevailed. And in the interval Cæsar had received some reinforcements from the Continent, especially some Gaulish cavalry, which proved of great service to him in the battle. He gained a victory which enabled him to quit Britain without discredit, and even with a show of success. But he saw clearly that a much larger army than one or two legions was requisite for making any effective impression on the islanders.

Cæsar retreats to Gaul.

The invasion renewed with larger forces.

Accordingly, in the next year, he assembled at the Itian harbour a force of upwards of 20,000 Roman infantry, and 2000 cavalry, to act against Britain. A fleet of 800 vessels brought him and this force to his former landing-place, and the Britons, terrified at the formidable appearance of the Roman armament, attempted no resistance to his disembarkation.

Skilful resistance of the British chief Cassivellaunus.

But when he advanced into the interior he was encountered with great bravery, and no inconsiderable military skill, by the natives, who had placed themselves under the chief command of Cassivellaunus, King of the Trinobantes, a powerful tribe that dwelt north of the Thames. They disputed the passage of the river Stour with great obstinacy, but were at last driven back with heavy loss by the steady valour of the Roman legionaries. Cassivellaunus then followed the prudent strategy of avoiding all pitched battles, and harassed the Roman army by repeated skirmishes and alarms, as he retreated before them. Cæsar deter-

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mined to carry the war into the British generalissimo's own territories, and marched accordingly for the Thames, striking across the regions now called Kent and Surrey, for a point in the stream sufficiently high from the sea for the river to be fordable. That summer is recorded to be one of unusual drought, and the spot where Cæsar forced the passage of the Thames is believed, from very ancient tradition, to have been at Coway Stakes, where the river is usually six feet deep, but becomes fordable in very dry seasons.

Cæsar passes the Thames.

The Britons now began to waver. The kingship of Cassivellaunus over his own tribe had been gained by violence and civil war. His rival was a refugee in the Roman camp, and the partisans of that rival were now active in exhorting their countrymen to save their homes and lives by a speedy submission to Cæsar. The greater part of the tribe sent envoys to the Roman camp, asking to have their banished prince restored to them, and praying for the mercy and the protection of the Roman general. Cæsar sent his vassal, their prince, to them, and ostentatiously guarded their lands and property from all rapine and military licence. Other tribes soon followed their example. Finding himself thus deserted, Cassivellaunus retreated, with the force that still adhered to him, to his own chief town, a stockaded post among the woods, where great quantities of the cattle, which probably formed the main wealth of a British chieftain, were collected. The Romans stormed his stronghold, and Cassivellaunus now humbled himself before the irresistible invaders. He seems to have done all that man could do before he yielded. In the hope of effecting a diversion of the Roman force he had directed four of the minor kings of Kent to make an attack on the Roman fortified camp, where Cæsar's fleet was stationed. The attack

The Britons waver.

The Romans storm the pah of Cassivellaunus.

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was made, and repulsed with great loss to the assailants, and Cassivellaunus, on hearing its result, sent messengers to Cæsar to sue for peace. Cæsar was anxious to return to Gaul, and terms were readily agreed on, according to which Britain was to pay a regular annual tribute to the Roman State. Cæsar and his army left our shores, after a campaign of about seven weeks. As the Roman general mentions in his Commentaries that his fleet was obliged to make two voyages in order to carry over to the Continent his army and the great number of captives that had been collected, we may conclude that the slave-hunting operations of the campaign had been prosperous to the Romans.

Cassivellaunus submits.

Cæsar returns victorious, and with large gains in slaves.

General failure of this first attack of Rome on Britain.

In other respects the invasion was a failure. Britain sent no tribute, and Rome did not attempt to exact its payment. The short remainder of Cæsar's life was fully occupied in quelling the last desperate attempts of the Gauls to recover their independence, and in hostilities with his fellow-countrymen. After his death came another period of revolution and civil war among the Romans: and the ultimate victor in those struggles, Octavianus Augustus Cæsar, was unwilling, both from disposition and from policy, to enter upon schemes of distant and precarious conquests in an island, which the Romans still regarded as beyond the pale of the civilised world. The vanity of the Roman people might be gratified by the occasional appearance and obeisance of British refugees, who came to seek the aid of the Roman Emperor against their fellow-countrymen, and who might easily be treated by the Emperor and his courtiers with such studied ceremony and attention, as to make them appear in the eyes of the Roman public representatives of the British nation. It is quite clear that Britain during this time paid no tribute to Rome:

and some of the Augustan writers give a very shallow reason for none being exacted by Rome, notwithstanding her alleged supremacy. They say that it was found more convenient for the Imperial Government to collect the money by way of custom duties, than by way of tribute; and that charges were accordingly levied in the sea-ports of Gaul on all exports to this island, and on all British produce that was brought to the Continent. The real cause was that Britain was thoroughly independent.

Century of British independence.

This independence lasted for nearly a century: and during part of this period three of the British kingdoms made considerable progress in extending their power over a large portion of the island. While Augustus was Emperor of Rome, Cunobelin (or Cymbeline), King of the Trinobantes, acquired a permanent authority over nearly the whole of southern and central Britain. Northward of his territories, the power of the Iceni extended from sea to sea, from the parts since called Lincolnshire, Norfolk, and Suffolk, on the east, to North Wales on the west. The Mersey and the Humber divided the Iceni from the Brigantes, who formed the third great state in the island, and whose dominion was spread from coast to coast as far northward as the mountains and morasses of Caledonia. It is not to be supposed that the sovereign of any of the three principal British powers that have been mentioned, ruled over a perfectly united and well organised kingdom. Each little district, and each petty tribe, had still its own local prince or chief, but all were more or less subject to one of the three dominant states.

Gleams of home civilisation.

The British coins of this period are of themselves sufficient proof that the natives of the island, especially the portion ruled over by Cunobelin, were making rapid progress in civilisation in the interval between the

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invasions of Cæsar and that of Claudius. This was doubtless caused to a great extent by increased intercourse with Gaul, a country which was now becoming thoroughly Romanised. But it is vain to speculate on the degree or the kind of civilisation, to which free Britain might have raised herself, aided by the peaceful influences only of Rome. The fifth of the Roman Emperors was induced by British refugees to renew the enterprise of the first Cæsar; and the whole island, except the extreme north, was thoroughly conquered by the Romans in a forty years' war, during which many splendid proofs of heroic patriotism were displayed on the side of the unsuccessful British, as well as many specimens of high military genius and stubborn valour on the side of the ultimately triumphant invaders. We can here only glance rapidly at some of the main occurrences in the first of the four conquests of our island.

Rome renews the attack on Britain.

The forty years' war of conquest.

The Roman general, Aulus Plautius, began the war, 43 A.D., with four legions and a body of auxiliary cavalry from Batavia and Germany, whose services in swimming rivers and dashing at the Britons in positions which the defenders thought inaccessible, proved of the utmost value to the Roman general. Plautius, and his lieutenant, the celebrated Vespasian, overran the southern district of the island, and marched upon the capital city of the Trinobantes, called Camelodunum, which appears to have been on or near the site of the modern town of Colchester. Of the two sons of Cunobelin, who had headed the defence, one fell in battle near the Thames; the other, Caractacus, retired among the Silures, the hardy mountaineers of Wales, to renew thence the struggle against Rome with indomitable gallantry and imperishable renown.

Exploits of Plautius and Vespasian.

Plautius drove before him the remnants of the British

army in upon Camelodunum. The Roman general refrained from an attack upon them in that position, until the arrival of the Emperor Claudius himself on the scene of action. Plautius, when he had by his first victories ensured a successful termination of the campaign, sent despatches to Rome, in which, with politic self-denial and courtier-like prudence, he represented that the interposition of the Emperor in person was requisite in order to put the finishing stroke to the war. Claudius accordingly proceeded to the Roman camp before Camelodunum, saw an easy victory gained over the disorganised mass of British, who stood at bay in front of their capital, and he solemnly accepted from the disheartened remnant of the Trinobantes the surrender of their town, and of their national independence. He appears to have had the good sense to follow the advice of the able generals and statesmen round him, and he left Britain a few weeks after his landing, having in that short time acquired much showy honour for himself, and having also secured for Rome some solid advantages.

Military vanity, but administrative good sense of the Emperor Claudius.

The Roman arms were now for some years employed in active hostilities against the tribes of the south-west and west of the island. In the south and south-east Roman influence was secured, partly by the conquest of Kent, which had been effected during the campaign against the Trinobantes, and partly by the powerful tribe of the Regni, who inhabited the district that is now called Sussex, submitting to become the dependent allies of Rome. Their prince, Cogidunus, was rewarded for this by the Romans with grants of increased territory; and during a long life he remained true to Rome through all vicissitudes. There is reason to believe that this policy of ruling for a time under the guise of protection, and by the agency of native princes, until

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a convenient season for annexation arrived, was largely practised by the Romans in Britain, as in other scenes of their conquests.

The powerful state of the Iceni and their dependents made speedy submission to the invaders; but the tribes inhabiting the districts that are now Hampshire and Wiltshire made a gallant though unavailing resistance. They were subdued, and their territories added to those already ruled over by Cogidunus, as a reward for that prince's loyalty to Rome. The whole Roman power was now free to act against Caractacus and his Silurian adherents. We have no narrative of the campaigns during which the British hero and his hardy mountaineers kept the legions at bay, or retaliated for the gradual advance of the Roman lines through the hill country of West Britain by rapid and daring inroads among the districts that had submitted to the invaders. We know generally that Caractacus maintained the war for nine years, that he gained many advantages, and fought many drawn battles, and that his skill and valour extorted the admiration of his conquerors. Local tradition points to a lofty hill in Shropshire as the last stronghold of the patriot chief, and the scene of his last battle. The hill still bears the name of Caer-Caradoc, the castle or town of Caradoc, the real name of the hero, which the Romans latinised into Caractacus. The Roman legions under Ostorius Scapula stormed that position in spite of a brave resistance by the British; Caractacus himself escaped from the slaughter of the strife, and from the massacre of the sack and the pursuit; but the last band on which he could rely was broken, his wife and children were taken prisoners, and his surviving brothers surrendered themselves in despair to the Roman general. Caractacus fled to the dominions of Cartismandua, his wife's

Heroic struggle of Caractacus against the invaders.

mother, who then reigned over the Brigantes, the powerful British state of the North. Cartismandua betrayed him to the Romans, and Caractacus was taken captive to Rome with his wife and children, to grace the triumph which the Emperor Claudius celebrated for the victories which his lieutenant-generals had won in Britain.

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He is captured and led in triumph.

We possess in the writings of the noblest of Roman historians,* a noble description of this scene; and he records a speech as addressed by Caractacus to the Emperor of Rome, which may be substantially authentic.† The vanity of Claudius or of his Empress had sought gratification not only in the stern splendour of the customary triumphal procession, but in a novel pageant. The Prætorian cohorts (which formed the Emperor's household troops and the garrison of the capital) were drawn up under arms in the open space in front of their camp. The population of the city, and many of the inhabitants of other parts of Italy, collected together to behold the bold Briton, who had for so many years defied the arms of Rome, and whose fame had

* Tacitus.

† All agree that Caractacus did make a noble and touching address to Claudius; and it is probable, from the civilised splendour of his father Cunobelin's court, that the British Prince did not address the Emperor through an interpreter, but that his education had given him Latin enough to enable him to speak the language, though not with perfect elegance. It appears quite natural that the vanity of Claudius would cause the speech of his illustrious captive (a speech so honourable to Claudius himself) to be recorded in the "Acta Diurna," the Roman State Gazette. Tacitus, who wrote his Annals about fifty years after the captivity of Caractacus, would have had the opportunity of consulting and using this report of the original speech; and the speech given in the Annals of Tacitus bears some internal evidence of genuineness. It wants the general polish of the historian, and especially it exhibits awkward and inelegant repetitions of the same words. Brotier has pointed this out in his note to the 37th section of the twelfth book of the Annals, but he does not ascribe it to anything but negligent writing on the part of Tacitus. I rather infer from it that Tacitus inserted the genuine speech, and did not compose one of his own.

In the translation of this celebrated speech, which I have given in the text, I have regarded the general spirit more than verbal accuracy.

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been long spread far beyond his native island. The Emperor took his place on a lofty tribunal in the middle of his troops; and near him, on an equally elevated seat, was his Empress Agrippina. The chosen spoils of the war, and especially the military decorations which Caractacus himself had worn, were exhibited. Then a train of British captives were led along, among whom were the wife, the children, and the brothers of Caractacus. They lamented aloud, and sued for mercy in prayers, which the stern Romans despised as the mere whinings of cowardice. But when the cold-blooded cruelty of the Romans to prisoners of war is remembered, particularly their well-known habit of putting to death the captive generals of the enemy immediately after they had served to grace the triumph of the captors, we may think that the tears and entreaties of the family and friends of the British Chieftain were in part at least caused by less selfish and ignoble feelings. Caractacus came last of all. His calm courage and unbroken magnanimity were displayed in every look, every gesture, and every tone. Pausing opposite to the Emperor's tribunal, he raised his chained hands as demanding audience, which was accorded to him, and he addressed Claudius thus:—

His speech. He neither braves nor deprecates Roman vengeance.

"If, in my better days, I had been as prudent as I was high-born and fortunate, Rome, if I had entered her, would have seen me as an ally, not as a captive; nor wouldst thou have disdained to receive in treaty and amity one born of noble ancestry and the ruler over many peoples. Now I am sunk low, and thou art glorified by my abasement. I used to have horses, men, arms, wealth. Is it wonderful that I lost all this unwillingly? Because you Romans will to be masters over all, it does not follow that all are prone to your yoke. Had I come into your power by a speedy fall

and surrender, there would be little note-worthy in my fate, little lustre in thy success. Send me to death, and the memory of all this will perish. Preserve me unharmed, and I shall be for ever cited as a proof of thy clemency."

Claudius, with many weaknesses and vices, was not altogether wanting in generosity. He ordered that the life of Caractacus should be spared, and that he should be released from his chains. The family also of the British chief received the imperial grace. We have no certain knowledge of the subsequent fortunes of Caractacus; but it is probable that he was detained at Rome under the personal protection and patronage of the emperor. In that case, he and his children would, like other clients of the Claudian House, assume the Claudian name. The Roman poet, Martial, in verses written not many years after the captivity of Caractacus, has celebrated the beauty, the accomplishments, and the matronly virtues of "Claudia of foreign birth," "Claudia of British race," the wife of the poet's friend Pudens. This Claudia is supposed by many to have been the daughter of Caractacus, and many learned men have also believed that this child of our British chief not only became eminent among the beauties of Rome for her charms and her virtues, but that she and her husband were among the earliest Roman converts to Christianity; and that they were the Claudia and Pudens mentioned by St. Paul among the list of friends whose greetings he sent from Rome to his distant disciple.*

His children become Romans and probably Christians.

Before the war against Caractacus had been concluded, the Romans had begun to strengthen their dominion over the conquered British territories by founding colonies, and by building and fortifying towns.

* 2nd Epistle to Timothy, iv. 21.

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Camelodunum, which was on the site of the old stronghold of the Trinobantian kings, was the first of these in date, and also in importance. A large number of discharged veterans from the Roman legions received settlements there: a senate-house, a theatre, and stately temples to Roman gods soon appeared, where nothing loftier than the rude huts of the natives had formerly been erected. But by far the stateliest temple of all in the new town of the invaders was dedicated, according to the degrading and impious flattery which had become habitual to the Romans since they obeyed a single ruler, to the man-god, to the divine Emperor Claudius.

Another Roman settlement was planted at Verulam; and although London was not yet dignified as a Roman colony or municipal city, it speedily became a populous and thriving commercial town, largely resorted to by merchants and traders from the nearest provinces of the Continent.

Oppressiveness of Roman rule in Britain.

But these advances and consolidations of Roman power and civilisation were accompanied with much misgovernment and oppression. There was not only the suffering caused to the Britons, whose lands were taken from them to be divided among the Roman colonists, or to endow the Roman temples and priests, but there was also, wherever the Roman authority extended, a cruel system of military conscription, by which the ablest and most promising of the British youth were taken from their homes and drafted into the auxiliary cohorts attached to Roman legions, that were serving in distant regions of the empire. There was also heavy taxation by land-tax, by poll-tax, and by customs, aggravated by requisitions of corn and military stores; the frequency and severity of such exactions depending on the arbitrary will of the rulers. But besides all these evils, and worse than all other evils, were the

licence, the insolence, and the brutality which the numerous officials of the dominant race practised upon the provincials, unless when kept in check by a governor not only personally just and pure, but of unusual activity and strictness in controlling the misconduct of his subordinates. Britain appears to have been negligently ruled for the ten years after the overthrow and capture of Caractacus; and the usual results of such negligence are traceable in the ill-success of the Roman arms against the yet unsubdued Britons, and in the disorder and disaffection of those tribes that were under Roman authority. In A.D. 61, Suetonius Paulinus, a general of proved ability, who had lately taken the command of the emperor's forces in the island, prepared to strike a decisive blow against what seemed to be the stronghold of opposition to Rome. This was the island now called Anglesey, close to the Welsh coast, where the Druids, who had been driven by the Romans out of Gaul and out of every part of Britain subject to Roman influence, had established their shrines and rites, and where they had collected the chief survivors of the priestly caste, and their most devoted and fanatical adherents. Suetonius concentrated the best Roman troops that were in Britain, marched upon the western coast, forced the passage to the island of Anglesey after a short but sharp conflict, and then gave to the sword and the flame the Druids, their groves, their idols, and all the votaries that had gathered round them to give or to seek protection. The success of Suetonius was complete; but while he was winning the little islet of Anglesey, all the rest of Britain was nearly lost to Rome.

The indignant impatience of the Foreigner's rule, which causes already described had made general in the island, was nowhere more vehement than among the Iceni, the powerful British State, which had received

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the Romans willingly as friends and protectors, but now experienced in them the most arrogant and cruel oppressors. Prasutagus, the Icenian King, who had been Rome's most submissive adherent, was dead. In the hope of propitiating the good-will of the Romans to his family, he had made the Emperor joint-heir with his two daughters. But the Roman Government-agent seized on all the possessions of the deceased prince; and under the pretence that Boadicea, his widow, had secreted some of his wealth, ordered her to be stripped and scourged. This abominable cruelty was accompanied by worse outrages on her young daughters, who were given up by the Roman official to the brutal violence of his slaves. At the appeal of their Queen the Iceni rose at once in arms. Every Roman, every minister and partisan of Rome, every symbol of Roman domination, was swept away from the face of the land. Pouring from their own territories over those of the Trinobantes and the other southern Britons, the victorious Iceni called on their countrymen to join them against the common enemy, and the summons was promptly and terribly obeyed. Camelodunum, which was regarded as the head-quarters of Roman power, was stormed and burnt. Verulamium had the same fate. London, which appears to have been largely inhabited by subjects of Rome, was utterly destroyed, and traces of the fate of this—the first Roman London—may yet be found beneath the soil of our modern capital.* It was computed that seventy thousand Romans, and friends of Rome, were massacred in these three places, besides those who were surprised and cut down

The insurrection of the Britons under Boadicea.

* "At this day the workmen, who dig through the foundations of the Norman and the Saxon London, strike beneath them upon the traces of a double Roman city, between which lies a mass of charred and broken rubbish, attesting the conflagration of the terrible Boadicea."—Merivale's History of the Roman Empire, vol. vi. p. 57.

in the smaller posts and camps—in their rich estates and their pleasant villas, where they had been dwelling in fancied security among the despised natives.

No insurrection could be more just than this of the British against Rome. But, as is unhappily too commonly the case, a holy cause was sullied by atrocious cruelty. That the Britons gave no quarter—that in the heat of the victorious assault they slew all of the enemy's race or following, whatever might be the victim's sex or age—such horrors were the common incidents of ancient warfare. But it is even now shocking to read the narrative of the tortures which they systematically inflicted on their captives. They especially chose out the most beautiful and high-born of the Roman ladies, who fell in their power, to undergo the most lingering and loathsome sufferings, and to be exhibited to the public gaze under the worst possible circumstances of ignominy and agony. The Roman historian remarks that the British insurgents seemed to have had a presentiment how Rome would punish their revolt, and to have been eager to avenge themselves beforehand.

The tidings of these calamities recalled Suetonius from his conquests in the West. Swiftly and firmly he made his way eastward with the 14th legion and its auxiliary cohorts and cavalry, effecting a junction on his march with part of the 20th legion. Of the other two legions stationed in Britain, one—the 9th—had rashly engaged the insurgents, and had been defeated with heavy loss; the commander of the other—the 2nd legion—was terrified at the number and strength of the enemy, and refused to obey his general's orders to join him, or to move beyond the shelter of his fortified camp. When Suetonius met and engaged the vast host of the British, he had not more than ten thousand men under his command; but the complete

Great victory of Suetonius.

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defeat which the Britons suffered from this small but well-disciplined and ably-handled force is one of the most signal among the numerous proofs, which history gives, of how useless is the attempt of undisciplined levies, however ardent their patriotism, however great their personal bravery, and however superior their numbers, to compete with an army of regular troops, —well-trained, well-commanded, and who add military spirit, and reliance on each other, to the courage natural to them as men.

The slaughter of the British in this battle was enormous; and the Romans justly ranked the victory of Suetonius as equal to the most splendid that had been won in the times of the old Commonwealth. Boadicea poisoned herself after her defeat, and the fugitives from the battle made no effort to re-unite and to maintain the war. Suetonius moved his troops (now largely reinforced from the Continent) across the districts that had revolted, laying waste everything with fire and sword. A famine, which swept off even more than had perished in massacre or battle, was the natural result of the devastations which both insurgents and Romans had committed in this short but dreadful war. Britain lay for some years in the quiet of exhaustion under Roman rule; but she was not thoroughly reduced into orderly subjection, as a Roman province, until the illustrious Agricola was sent, 78 A.D., by the Emperor Vespasian, as Governor of Britain, and commander-in-chief of the Roman forces in this island.

Valiant and wise administration of Agricola.

Agricola united the virtues of a philosopher, and the talents of a statesman, to the courage and skill of a consummate general. He saw that something more than victories in the field, followed up by vindictive slaughter and havoc, was required in order to win Britain effectively and permanently for Rome. He

took care to make the military power of Rome thoroughly respected and feared while he commanded her legions, but he sought also to make her imperial supremacy less hated. In eight campaigns he completely quelled all revolt, all insubordination, all national independence that lingered, or that had revived, in Southern and Central Britain; and he advanced his conquests also northward, through what are now the northern counties of England and the lowlands of Scotland. Including all this within the Roman frontier, he drew a line of fortification across from the Frith of Forth to the Frith of Clyde, which was to protect Rome's subjects from the wild marauding tribes of the extreme north of the Highlands of Britain. These clans, the Caledonians as they were then termed, were already formidable to their southern neighbours; and Agricola determined to break their power, for a time at least, by seeking and defeating them in their own territory. He twice led his legions northward of the Frith of Forth, compelling the submission of the tribes along the eastern coast, and winning in his last campaign a celebrated victory at the Grampian Hills over a large host of Caledonians, whom their great chief Galgacus had assembled to dispute the further progress of the Romans. During these campaigns in the far north of Britain, the Roman fleet sailed along the eastern coast, and co-operated with the land forces. And when the legions returned to winter quarters in the south, after the battle at the Grampians, the fleet, by Agricola's orders, continued its voyage, and sailed round the northern extremity of the island, returning down along the western coast, and up the channel to its station at the harbour, afterwards called Sandwich. This voyage put an end to the speculations of some of the scientific Romans, who had previously maintained that Britain was not an island, but

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a mere promontory of some vast hyperborean continent in the remote northern seas.

Agricola had designed the conquest of Ireland, for which purpose he considered that a single legion, and a few auxiliary troops, would have been amply sufficient force. But the jealousy of the Emperor Domitian recalled him from his command in Britain before he could commence his intended expedition against Ireland. It is probable, also, that had it not been for his early recall he would have repeated his attacks on the Caledonians, and have reduced the whole of the British isles to complete submission to Rome.*

But though Agricola's schemes of conquest were left thus imperfect, he seems to have successfully accomplished the more difficult and more honourable task of establishing orderly government, and of awakening a spirit of loyal obedience in the territories which he found or left subdued. The first necessity was to repress the rapacity and insolence of the Roman officials towards the natives, and Agricola commenced this by himself setting an example of moderation, fairness, and courtesy. He reformed the system of taxation and requisitions, especially cutting down those imposts which benefited the tax-gatherers rather than the treasury, and abolishing all the vexatious and arrogant forms and regulations, which galled the provincials more by pressing on their sense of insult, than the actual amount of the claim injured them by draining their resources. Any complaint by a native was heard promptly and patiently; and, if well founded, was followed by the exemplary punishment of the offender. At the same

* The reason which, Tacitus says, he heard Agricola give for his design to conquer Ireland, would apply still more forcibly to a conquest of Caledonia: "Idque etiam adversus Britanniam profuturum, si Romana ubique arma, et velut è conspectu libertas tolleretur."

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time Agricola encouraged the Britons to adopt the customs, the language, and the garb, and to familiarise themselves with the comforts and the elegances of Roman civilisation. The vigorous and equal administration of justice, the strict maintenance of order, and the assurance of safety for person and property, co-operated with these softening influences in leading the Britons to cultivate the arts of peace, and to substitute steady commercial activity for their old rugged, independent, martial restlessness. The Roman towns, that had perished in Boadicea's insurrection, were restored in increased opulence and splendour; and others, of almost equal wealth, were rapidly founded in the most favourable situations throughout the greater part of the island. Harbours were deepened; docks and wharves were constructed; and roads of still enduring solidity were made from place to place: the primary object of the Roman surveyors and engineers being to facilitate the rapid movement and concentration of troops; but their works served also to give the most important stimulus to internal traffic, and to break down the barriers of little local nationalities, and of petty provincial exclusiveness.

Prosperity of Romanised Britain.

After the conquests of Agricola, Roman Britain was divided into six departments. The first, and most southern, included the districts south of the Thames and the Bristol channel, and bore the name of Britannia Prima. Britannia Secunda comprised the present principality of Wales, and the tracts between the Welsh frontier and the Severn. The next province was named by Agricola Flavia Cæsariensis, in honour of the Flavian family, which gave Rome three emperors—Vespasian, Titus, and Domitian. This large and important province extended from the boundary lines of Britannia Prima and Britannia Secunda, to the Mersey and the Humber. Beyond this was the province of Maxima

Its local divisions.

CHAP. II. 120—161 A.D.

Cæsariensis, extending to the Eden and the Tyne. The next province in order comprised the countries between these two last-mentioned rivers and the fortified line that was traced from the Frith of Forth to the Frith of Clyde. It is spoken of by some writers under the name of the province of Valentia, but it did not receive that name until long after the time of Agricola. More northward still, the territories beyond the Friths, which Agricola had overrun in his two last campaigns, were styled Vespasiana; but the authority of Rome was so seldom and so slightly enforced in this district, that Roman Britain is generally considered to have terminated with Agricola's fortified line.

For many years after Agricola's administration, Britain is little mentioned by the Roman historians. Their silence is emphatic proof that she was generally peaceful and prosperous. In the year 120, the Emperor Hadrian visited Britain, and corrected several abuses which had grown up in the administration of the island. It is clear that the incursions of the wild northern clans into the civilised and rich districts to their south were becoming frequent and formidable. The cautious and pacific Hadrian, instead of attacking and punishing the marauders within their own fastnesses, or even repairing the fortified lines of Agricola, made an inner and more easily defensible barrier against the Caledonians, by building a wall across the island from the Tinna (the Tyne) to Ituna, now called Solway Frith. Afterwards, when Antoninus Pius was Emperor (from 138 A.D. to 161) a Roman general, Lollius Urbicus, cleared the province between Hadrian's wall and Agricola's lines of enemies, and built a continuous rampart on the site of those lines, which was generally called the wall of Antoninus, in honour of his emperor. But none of these precautions effectually

Hadrian in Britain.

Wall of Antoninus.

checked the northern tribes. The Border warfare still continued; and the Mæatæ are frequently mentioned as the most daring and formidable of the barbarians who infested the possessions of the Romans and their British subjects. Still, Roman Britain advanced in prosperity and power, and when we reach the period in the history of Roman empire, when insurrections and civil wars became almost incessant, and when competitors for the supreme power sprang up wherever there was a daring general or a disorderly body of soldiery, we shall find Britain exerting no slight influence in determining who should be the emperor of the Roman world. On the death of Pertinax in 193, the Prætorian guards at Rome, who murdered him, sold the sovereignty to Didius Julianus. Clodius Albinus, who then commanded in Britain, refused to acknowledge a Cæsar thus infamously created. The Roman forces in the island, and the provincials, supported the local general zealously; and "safe in the possession of his little world," Albinus, though he did not take the imperial title, was in effect for four years a British sovereign, the head of an independent state. But the Syrian legions compelled their general Niger to assume the purple; and the Illyrian legions made an emperor of their general, Severus. In the civil war which ensued, the high military ambition and unscrupulous state-craft of Severus prevailed. While he was engaged in destroying Didius and Niger, he pretended to court the friendship of Albinus, who discovered too late with what unrelenting ferocity the Illyrian chief was determined to sweep every rival from his path. Albinus raised large forces among the Britons, and, joining them to the small Roman force that had been under him as governor of this island, he crossed over to Gaul, and advanced upon the advancing army of

Britain supplies a competitor for the Roman purple.

CHAP. II. 193—208 A.D.

Severus. They met near Lyons; and the historian who describes the encounter, bears witness to British valour as displayed in this the first expedition of a British army to the Continent. Herodian says that the conflict was severe, "for the Britons are no whit inferior to the Illyrians in manliness or in spirit for bloodshed." They broke the division of the Illyrian army which Severus led in person, and were pursuing the fugitives and shouting "Victory," when they were suddenly charged, while disordered with their own success, by a fresh body of the Illyrian army. The Britons were now in their turn driven from the field with heavy slaughter. Albinus (who had remained in the city of Lyons during the battle, instead of commanding his troops in person like his competitor) was captured and beheaded: and Severus was left the sole and undisputed emperor of Rome.

Britain must have been much weakened by the withdrawal of the legions, and still more by the loss of the native levies that Albinus led to perish in Gaul. The lieutenants of Severus, whom he sent to command our island, were unable to check the Caledonian and Mæatian assailants of the Roman provinces; and they even stooped to the disgraceful and futile expedient of buying off for a time the hostility of the invaders. In 208 A.D. Severus came here in person, evidently accompanied by large reinforcements to the Roman troops. He caused the wall of Hadrian to be strengthened; or, rather, he built a new and far more effective barrier along the old line of defence from the Solway to the Tyne. This was the wall called afterwards the Picts' wall, the remains of which are still to be clearly traced, and have commanded the admiration of centuries. But Severus resolved not to rely only on lines of fortification for protection to the Roman possessions: he deter-

The Emperor Severus in Britain.

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210 A.D.

mined to march through the north, and to subdue in their native haunts the wild tribes, that so daringly and incessantly infested the civilised districts of the island. With true Roman perseverance he advanced to the extreme end of Caledonia, forming a military road as he proceeded, which he evidently designed for use in future campaigns. The sufferings of the Roman army in this march (as described by the old historian) were horrible, though they did not fight a single battle, or even see an enemy in battle-array before them. The Caledonians harassed the flanks and rear of the invading force by incessant skirmishes, while toil, famine, and disease thinned the Roman ranks more fearfully than the sword could have accomplished. Severus is said to have lost 50,000 men in this march: a number that must include pioneers and camp-followers, as well as soldiers. But still the Roman Emperor, though more than sixty years old, and so ill that he was obliged to be carried in a litter, moved his legions forward; cutting down forests, levelling hills, making marshes passable, and constructing bridges over rivers. At last the Caledonians offered to submit to Rome. Severus received their submission, granted them terms of peace, and led his army back to Eboracum (York), where he passed the winter. With the spring came tidings of a fresh Caledonian rising and inroad: and Severus, in his fury, gave orders for the Roman army to be concentrated, and to begin another northern march, not to subdue, but to exterminate the barbarians. But the hand of death was on the Emperor himself. Before the campaign could be opened, Severus died at York (A.D. 211), leaving the conduct and completion of the Caledonian war to his son, who was with him, and who, according to some narratives, hastened his father's death.

He nearly conquers Caledonia.

CHAP. II. 211—281 A.D.

The weak and worthless youth was eager to return to Rome, and concluded a hasty treaty with the northern tribes. This degenerate son of Severus, who was called Bassianus Antoninus, but who is better known in history by the nickname of Caracalla, which was given him near the end of his reign, would require no further notice here, were it not that, while he was emperor, the rights and rank of Roman citizenship were given to all the inhabitants of the empire, except the slaves. This measure was caused by the avarice of Caracalla, who wished to increase the revenue derived from a certain impost on Roman citizens; but it must have greatly improved the condition of the Britons, as of the other provincials of the empire.

There is little mention of Britain by the Roman historians for more than seventy years after the death of Severus. The ravages of the northern tribes never entirely ceased, and towards the close of the third century we find a new scourge afflicting the Romanised portion of the island. The fierce and adventurous warriors of the maritime region of northern Germany now began to infest the coasts of Britain and Gaul with their piratical squadrons. The Roman writers call them "Saxons," and it is probable that Saxons from the Elbe and the Eyder, and the adjacent regions, supplied many of the leaders and the crews of these dreaded fleets; but, without doubt, Franks, Frieslanders, Angles, Jutes, and even Danes and Norsemen, participated in their enterprises and shared in their plunder. These attacks became so frequent and so destructive, that a Roman officer was especially appointed by the Emperors Diocletian and Maximian to collect a fleet, and to protect the coasts of Britain and Gaul from the pirates. This officer was named Carausius, by birth a Batavian, and he was a man of high courage and ability. The power

Maritime marauders.

which he acquired and wielded in his new station, excited the jealousy of the emperors; but Carausius anticipated their designs against him by assuming the imperial purple, and openly claiming and exercising the rights of an independent sovereign over Britain. He showed himself well worthy of the dominion which he grasped. He was the first, and, for a long time, he was the last ruler of this island, that discerned the great truth that Britain, to be strong and free, must have the sovereignty of the seas. Many of the still extant coins of Carausius have the figure of a ship on the obverse, as the best emblem of a British monarch's power. Even the panegyrist of his adversary praises the vigour and ability with which this "Arch-pirate of Britain" (as Carausius was termed in the court of Constantius) collected and built vessels of war, gathered into his service the best and boldest of the sea-rovers, against whom he had originally fought, and trained them to the duties of disciplined as well as daring seamen. On land he was supported by the Roman troops in the island; he raised large levies among the Britons, and he formed also a strong auxiliary force of Franks, and other German warriors, who thronged readily to his standard. While thus amply prepared for foreign war, he maintained tranquillity and good government at home. The marauders from the north were effectively repulsed and awed by him. No hostile ship dared to approach the coast; and the seven years' reign of Carausius was a period of unprecedented prosperity and splendour for Britain. Several of his coins bear on their face the crowned head of the Emperor of Britain, and on the obverse the old classical group of the Roman Twins and the Wolf, with the proud but not over-boastful legend of "ROME RENEWED."

Carausius, the Emperor, or the Arch-pirate of Britain.

Britain is "Rome Renewed."

Diocletian and Maximian made several attempts to

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break his power, but the British sovereign set the emperors at defiance, and held with his fleets secure mastery of the seas round the coasts of Gaul and Spain, as far as the entrance of the Mediterranean. Carausius occupied Boulogne, and some other maritime stations on the coasts of Gaul; but he prudently forbore from risking the land-forces of his island-kingdom in attempts at extended conquests on the continent. The Roman emperors, who had then many other enemies to cope with in their vast dominions, were obliged to make peace with Carausius, and to acknowledge him as their equal; an event which the Sovereign of Britain celebrated by striking a medal, specimens of which still exist, in which the heads of Diocletian, Maximian, and his own, appear on one side, with the inscription, "Carausius and his Brothers," and on the other side are words meaning "Imperial Peace."

But Diocletian, in his great scheme of reorganising the government of the Roman world, never intended to admit permanently to a participation in its sovereignty any bold adventurer, who could seize for a time on the independent rule of one of the provinces. Diocletian felt the impossibility of any one man effectually governing the vast but decaying mass of the Empire, and curbing the numerous enemies who assailed it on scenes of action so distant from one another. In order to strengthen the administrative and executive power, he first took Maximian as his colleague in the purple, and, on finding their joint efforts insufficient to cope with so many difficulties and dangers as then beset the Roman Empire, Diocletian determined to multiply the ruling hands, by associating to the two Emperors—to the two Augusti, as they were especially designated—two subordinate princes, who were to be termed Cæsars, and who were to be regarded as the natural successors

Division of the Roman world.

and heirs presumptive of the Augusti. This completion of the Imperial Hierarchy was made in 292, and two generals of proved ability, Constantius Chlorus and Galerius, were solemnly proclaimed Cæsars. They were immediately appointed to the government of those parts of the empire, where the greatest toil and danger were to be expected. To Constantius were assigned Spain, Gaul, and Britain; his orders being to re-conquer the latter province and to destroy its piratical usurper. Constantius began his operations by the siege of Boulogne, which he captured, obtaining possession also of a large squadron of the fleet of Carausius, that lay in the harbour. But while he was preparing for the more difficult task of attacking Carausius in his island-kingdom, the Augusti and Cæsars were freed from their formidable rival by the dagger of a domestic traitor. Allectus, the friend and confidential minister of Carausius, conspired against his master and slew him, and for three years reigned over Britain in his stead. At last the Cæsar's troops effected a landing. Allectus had not flinched from murder to win a crown, but he lacked the military abilities by which alone a crown could be retained: and Constantius became master of Britain, with little difficulty or loss.

Britain under Constantius.

Constantius resigned all the dominion that had been assigned to him southward of the Pyrenees; and contented himself with the rule of Gaul and Britain. He generally resided in this island, the city of York being his favourite capital and seat of government. His mild and prosperous reign here (from 297 to 306) was only troubled by the persecution of the Christians (303—305), in which he was compelled to take part by the orders of the Augusti, Diocletian and Maximian. The Christian religion had been diffused in Britain at a very early period, and while some of our Saviour's

Christianity in Britain.

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314 A.D.

Apostles were still alive on earth; although the legends of St. Peter and of St. Paul having visited our island have no historical testimony in their favour. Tradition gives the name of Lucius as a British king who was a believer in the Gospel; and other individuals are mentioned as having been among the first in the island to believe, and most active in the conversion of others. These details may be untrustworthy, but the general fact is certain, that by the end of the third century the Christians in Britain were numerous; and as early as 314 we find mention of British bishops attending the council of Arles. The first persecutions of the Christians in the Roman Empire had not extended to Britain; but Constantius received peremptory orders to destroy the Christian churches in the realms which he governed, and to punish with death all who refused to worship the gods of Rome. His just and humane disposition made him reluctant to take part in these cruelties, but he could not venture to suppress the Imperial edicts, or to wholly disobey them. He dismissed from his service the members of his household who refused to obey Cæsar by renouncing their faith; but he also dismissed those who thought that they could secure their temporal interests by apostacy. Constantius told these renegades that there could be no fidelity towards man in those who had proved traitors to their God. But, however much the prudence and humanity of Constantius might temper the persecution where his personal influence extended, he could not repress the fanatical zeal with which many of the inferior and local Roman magistrates and officers put into execution the sanguinary commands of the two Augusti of the empire. Many Christians perished in this island during the last two years of the reign of Diocletian and Maximian; and the memory of the first British martyr, Alban, has

been perpetuated by chronicle, by legend, by local tradition, and by the town that yet bears his sainted name.

Constantine saluted Cæsar in Britain.

On the death of Constantius at York, 306, his son, the celebrated Constantine, was saluted as Cæsar and as Augustus by the troops, and willingly recognised by the British provincials.

The events of the long reign of Constantine the Great (A.D. 306—337), the civil wars, his reuniting the whole Roman empire under his sole sovereignty, his transfer of the seat of imperial government from Rome to Constantinople, his long toleration and ultimate preference of the Christian religion, all these things are rather matters of general history than of the special history of our country. Under him, and the princes of his family who ruled after him until 363, Britain appears to have been generally tranquil and prosperous, though occasionally troubled by the misgovernment of the imperial prefects, and by the attacks of the northern marauders and the Saxon corsairs. There is a change now in the names under which the northern plunderers are spoken of by the Roman historians. We read no longer of Caledonians and Mæatæ, but of Picts and Scots. The Scots were a colony, or rather a series of colonies, of Irish adventurers, who, in the third and following centuries, came over to North Britain, where they ultimately acquired such predominance as to give their name to the land. The Picts appear to have been a Caledonian tribe, who in the frequent feuds between clan and clan grew strong at the expense of the Mæatæ, and were probably followed to war when they invaded the south by numerous dependent tribes, all of whom were included by the victims of those inroads under the dreaded name of Picts.

Ravages of the Picts.

In 368 Theodosius commanded the Roman forces in

CHAP. II. 368—387 A.D.

Britain, and completely freed the civilised part of the island for a time from the Scottish and Pictish marauders. He even restored to Roman rule the province which included the districts that now are the Scottish Lowlands, as far as the Friths of Clyde and Forth. This province had long been abandoned by the Roman rulers of Britain, as utterly untenable against the wild forayers from the neighbouring Highlands, but Theodosius re-annexed it to the empire, and gave it the name of Valentia, in honour of the then reigning Emperors Valens and Valentinian.

The government of Theodosius was the last period of order and prosperity for Britain as part of the Roman empire. In 383 a general named Maximus, who had long served in this island, and who (according to some chronicles and traditions) was a Briton by birth and married to a British princess, was compelled by his own mutinous soldiery to declare himself emperor. He did not remain long in Britain after assuming this title; but his brief reign was pernicious to this country by draining the island of the bravest part of its population. Maximus determined to dethrone Gratian, the then recognised Emperor of the West, and to make himself master of Italy, Gaul, and Spain. His popularity among the British enabled him to call to his standard large numbers of the native youth, and with these, and nearly all the regular troops that had been stationed here, Maximus invaded the continent. He was at first successful. Gratian fled from him and was slain; and Theodosius, Emperor of the East (son of the Theodosius whose exploits in Britain have been mentioned), for a time acknowledged Maximus as his coequal in empire. With a view probably to ensure his hold upon Gaul, Maximus gave to a British officer named Conan large territories in Armorica, the Gallic peninsula between

the rivers Seine and Loire, to be held by Conan and the British warriors who followed him, on condition of rendering military service to Maximus and his successors in their wars. Maximus perished soon after this grant in an attempt to conquer Italy; but his British colonists in north-western Gaul retained their settlements there, and were joined by many others of their fellow-countrymen who had formed part of the forces of Maximus. It is not to be doubted that the intercourse between this island and Armorica had been frequent and familiar before this period, or that in after times many of the insular British sought refuge from the misfortunes, of which their native home was the scene, by crossing over to these settlements in Armorica. But there seems no reason to reject the story, according to which the great transfer of British population to this part of Gaul (a transfer so ample that Armorica acquired the name of Brittany, which it still bears) took place during the short time for which Maximus was our country's sovereign.

Old Rome moribund.

After the fall of Maximus, Theodosius for the last time reunited the Western and Eastern Roman empires; and his generals reannexed Britain to his dominions. But on the death of that emperor in 395, his sons, Arcadius and Honorius, once more parted the empire between them. Arcadius took the Eastern empire, which was destined to maintain a varied but generally degraded existence for nearly eleven centuries longer. Honorius made Ravenna his chief residence; and there he trifled or slumbered away thirty years, as the titular sovereign of the Roman Empire of the West. But that empire, so long enfeebled, so often imperilled, was now falling rapidly into ruins. The invasions of its continental provinces by Vandals, by Suevi, by Burgundians, by Franks, and by Goths, grew more and more fre-

CHAP. II. 400—408 A.D.

quent, and were met with fainter and fainter resistance. The Germanic and Gothic conquerors were now not content with the spoils of predatory inroads, but sought to become permanent rulers of the fair regions where they fought. The most dreaded of these barbarian chiefs, Alaric the Goth, was encountered for a time with successful skill and valour by Stilicho, almost the last imperial officer of the West that deserved the name of a Roman general. But in order to raise an army sufficient to cope with the Gothic host, Stilicho was obliged to draw together nearly every particle of the scattered military force of the empire; and the legion that had garrisoned the lines of Severus, and for a time guarded South Britain from the Picts and Scots, was summoned hence to share in the great conflict between Stilicho and Alaric at Pollentia (403).

The few regular Roman troops that remained here, and the military bands of the natives, seem to have occupied themselves rather in mutinies and civil wars, than in combined opposition to the restless barbarians of the North. In 407 the soldiery here made an emperor of an officer named Marcus. In the course of the same year they killed him, and made a new emperor of Gratian, a citizen of a British municipal town. He too was killed by the troops after a reign of a few months. A private soldier of boldness and prowess then stood forward, and persuaded some of his comrades to salute him by the once-honoured titles (then proclaimed for the last time in Britain) of Cæsar, Augustus, Imperator. This daring adventurer bore the revered name of Constantine; and the assertion that he was descended from that great sovereign made the British acquiesce more readily in his rule. He followed the same path already trodden by so many of his predecessors in usurpation. He led troops into Gaul, was

410 A.D. Anarchy in Britain.

for a time successful, and was ultimately defeated and slain. After his death no attempt was made to revive the sovereignty of the Emperor Honorius in the island; and we do not even find that any chief ruler of Roman Britain with the semblance of Roman authority was again acknowledged or claimed obedience. The captains and the chiefs of armed bands and tribes, and the heads of the various civic communities, ruled their followers, and struggled to subjugate each other as they best could. Honorius soothed his vanity with the form of renouncing an allegiance which he had already lost; and, in 410, he sent Imperial letters, by which the Britons were directed to protect themselves. The increased ravages of the Scots and Picts made the inhabitants of the South more than once beg for assistance from the commanders of Roman troops in Gaul; and temporary aid from that quarter was sometimes obtained. The last Roman officer that came here not only defeated and drove back the Picts, but repaired the old fortified lines of Severus, and the watch-towers along the coast. He is said also to have laboured hard to teach the British leaders sufficient military and engineering skill to guard and maintain these barriers against their enemies. Then, leaving behind him a large supply of arms and military stores for the Britons to use in their own defence, the imperial officer re-embarked with his legion; and the Roman Eagle finally disappeared from Britain 473 years after it had been borne hither by the standard-bearer of Julius Cæsar.

In the course of the long period for which our country was part of the Roman Empire, its original Celtic population must have been largely tinged by the admixture of many foreign elements. "Wheresoever the Roman conquers, he inhabits." The Roman philosopher, Seneca,

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wrote these words while Britain was being conquered; and they truly describe the policy of Rome both here and elsewhere throughout the ample dominion which she acquired. When a province was won by the Roman arms, its permanent possession was secured not only by posting troops in it, but, in a far greater degree, by planting in it colonies of Roman citizens, which formed the best outworks and strongholds of Roman power. Besides the colonists, there were adventurers and speculators of every class from Rome, and from other countries subject to Rome, who swarmed into the conquered land, especially if fertile, and well situated for commercial operations. Some came for traffic; some as place-hunters; some as money-lenders; some as teachers of rhetoric, or of law, or of various arts, sciences, corruptions and follies. In those centuries of the domination of Rome, during which Britain was subdued and held by her, the Romans who received settlements in the regular colonies were chiefly veteran soldiers from the legions: but a practice grew up of rewarding not only the legionaries, but the barbarians of the auxiliary cohorts, by grants of land; and, from the reign of Alexander Severus (222) to the downfall of the Empire of the West, large districts of territory (especially on the northern and most exposed frontier of Roman Britain) were from time to time assigned to bodies of soldiery, on terms much resembling the subsequent feudal tenures of mediæval Europe. The grantee of the land held it on condition of performing military service when required: and it descended to his heirs, who took it subject to the same obligation. The Roman soldiers, who became military tenants of this kind, were called Limitanei: but when, as frequently happened, large bands of foreign auxiliaries were settled here in this manner, they were called Læti; a term which is supposed to represent the old

Effect of Roman occupation on the population of this island.

German word Liuti, and to mean the Folk, the People.* No other foreign nation was prized so highly for its valour as was the German; and the permanent succour of German warriors was most sought by the Roman rulers, who wished to secure Britain and other Roman provinces against invasion and conquest. But foreigners of many races besides the Teutonic served under the Roman standards, and were often similarly rewarded. And, indeed, when we consider how the legions themselves were recruited during the last ages of the Roman Empire; how numerous and various were the races comprised within the empire, and how often the legions were filled up by levies of barbarians on the frontiers; —when we consider this, we shall be able to form some idea of the diversity as well as of the amount of the new streams of population, that were brought into this island during the three centuries and a half of Roman rule.†

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Influence of Roman civilisation.

But the influence of Roman conquest upon Britain is not to be estimated merely by the extent to which

* Palgrave.

† The 2nd chapter of the 4th book of Mr. Poste's 'Britannic Researches' gives some interesting details respecting the various Roman legions that served in Britain. It is not unimportant to observe how long particular legions were in this island, and how seldom the quarters of each legion in the island were changed. The 2nd legion (called from its long service here "Legio Britannica,") was stationed in Britain for more than three hundred years. So also was the 20th legion. The 6th legion was here for two hundred years. We may be sure that these legions were kept up by drafts of recruits supplied from other parts of the Roman Empire; but the veterans, when they obtained their discharge, must have almost always remained in the island. On the other hand, a constant drain outwards of the British population must have been going on by reason of the levies here of troops for the Roman service. It was the constant policy of Rome to employ such levies at a distance from their native homes.

See also for information respecting the Roman Legions here, and their auxiliary cohorts of "Germanic, Gallic, Iberic, Slavonic, Aramaic, and Berber extraction," Latham's Ethnology of England, c. vi.

The average total of the Roman forces in this island (including auxiliaries) may, I think, be reckoned at about 40,000 men.

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it displaced the old and introduced a new population. The superior effects of Roman civilisation are to be carefully considered and remembered, whatever we may think as to the relative numbers of those who imposed it, and of those by whom it was adopted.

Material monuments of Roman sway.

The Roman roads, the Roman encampments, the massive remnants of Roman architecture, the Roman tesselated pavements, the Roman sculptures, the Roman weapons, and the numerous Roman articles for domestic use and ornament, that are still found in Britain, would be of themselves sufficient evidence that a powerful, a wealthy and highly civilised nation once dwelt here; and we know from history (as already mentioned) how eagerly and successfully the Britons learned and imitated the arts and refinements of their conquerors. It may be deserving of remark, that great improvements in agriculture must also have been effected here by the Romans, and that the country must have been enriched by them with the introduction of many vegetables and fruits, and of modes of agriculture and horticulture, which had previously been unknown in our island.*

Rome's influence on our institutions.

But it is most important to direct our attention to the influence of Rome's political institutions on the institutions of our country; to see in what respects that influence was exerted, and to what degree that influence has been permanent.

There are four main points, on each of which the effects of Roman rule are considered to have been weighty; and are believed to be still discernible.

First: The system of municipal self-government; by which is here meant, not a general system of local self-government in local matters established throughout

* For Roman Agriculture, see Daubeny's Lectures. We know, from a casual notice in Pliny, that the cherry was introduced here by the Romans, soon after their conquest of the southern districts.

town and country, but a system of towns so ruling themselves, the rural population being little regarded.

Secondly: The general idea and recognition of a sovereign, an imperial chief of the whole state, with large prerogatives, not only in strictly imperial matters, such as making war and peace, but as the fountain of justice, and the bestower of nobility.

Thirdly: The germs at least of a representative system of government, as to some subjects of general importance.

Fourthly: The influence of the Roman law.

Municipal self-government.

With regard to the first of these subjects, municipal self-government (as explained above), it is material to remember that the Romans were originally, and during a great portion of their conquering career, the people of a town, not the people of a country. They certainly held agricultural occupations in high honour; but it was to the town, to the city of which he was a citizen, that the Roman resorted in order to exercise the rights of citizenship, to vote laws, to elect magistrates, to be enrolled in the legions, to plead or to sit as assessor at the prætor's tribunal. These proud functions of Roman citizenship were almost entirely annulled, or sank into desuetude, after the downfall of the Commonwealth, but throughout all the ages of their history the Romans secured their conquests by means of towns; their proconsuls and other deputed magistrates governed in towns, and usually resided in towns; and all the Roman institutions, both civil and military, were modelled with regard to the recognised predominance of the civic element of society.*

Town-element of classic politics.

During the times of the Roman Commonwealth, and in the first ages of the Roman Empire, there were im-

* Guizot, in his second lecture on European Civilisation, has clearly pointed out this important characteristic of Roman (and also of Greek, Carthaginian and Etruscan) civilisation.

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portant distinctions between the privileges which were accorded to the inhabitants of the various provincial towns which the Romans founded, or in which they made colonial settlements. But these differences were gradually effaced, and can have retained no practical importance after the edict of Caracalla had given the rights of Roman citizenship to all the inhabitants of the empire, except the Slaves. A general description of the thirty-three town governments established by the Romans in this island, as they existed during the last two centuries of Roman rule, will be sufficient here, without investigating slight variations of detail.

Rights of provincial townships under Rome.

Each of these municipal communities possessed considerable powers of local taxation, and of self-rule for local purposes. They also apportioned and collected among the inhabitants of the town the amount of state taxes, at which each community was assessed by the Imperial government. They governed themselves in matters of what we now should term the police of the town, and in the prevention or correction of offences not of very heinous magnitude. Each town had its ruling body or senate, supplied by its own inabitants, and the members of which were termed the Decurions, or the Curiales. The sons of a Decurion inherited their father's rank and duties: but property, also, gave a qualification for the office; and every citizen who became opulent enough to be termed a "Possessor" was eligible, and was also compellable to be enrolled as a member of the civic senate. Considerable honour and privileges were attached to the office of Decurion; but there was also the formidable obligation that the Decurions were held by the Imperial government to be personally responsible for the payment of the full amount of the Imperial assessments on the town.*

* For a fuller account of the Decurions, see Guizot on European Civilisa-

Besides this general system of civic self-government for the whole town, the members of the most important trades were incorporated as "Colleges," the term given to them by the Roman law, a term corresponding in many respects with the "Companies" or "Guilds" of mediæval and modern London, and many other places. These Colleges of Operatives had their corporate funds, and they made bye-laws for the regulation of their members. They appear to have had their own public meetings, and to have appointed their own chief officers, who acted as attorneys for the general bodies before all tribunals, and represented them on all requisite public occasions. While the heathen religion prevailed, each guild had its own patron deity, in whose temple the members assembled; and in some instances the members of the college dined together at a common table.* The existence of these "little republics" (as the Colleges of Operatives are expressly termed by one of the greatest jurists of Rome), as well as the existence of the senate of each town, must have done much in awakening and keeping alive among the Provincials a spirit of self-reliant activity, and an aptitude for political combination. It must, among the urban population at least, have greatly counteracted the tendency to imbecile dependency on a centralised despotism, which might seem to be the natural result of such a recognition of a single unrestrained autocrat, as we next proceed to point out as a characteristic of the Roman Empire.

The Corporation system.

Respublicæ in Imperio.

Secondly: In discerning and in estimating the influence of ancient Rome on any state of mediæval or modern times, the territory of which once formed part of Rome's Empire, we must bear steadily in mind the

tion, Savigny's History of the Roman Law, and Palgrave's English Commonwealth.

* See the 10th chapter of Palgrave's English Commonwealth.

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Influence of Imperial Rome on the world greater than that of Republican Rome.

fact, that for by far the greatest portion of the time during which European nations beyond Italy were under Roman government, the Roman government was wielded by the hands of a single individual; that the Roman world was an absolute monarchy.* Our early studies rightly make us so much more familiar with the Romans of the Commonwealth than with the Romans of the Empire, that, when we meet with the name of Roman, we are apt unconsciously to think of bold plebeians, struggling resolutely and turbulently for the constitutional advancement of their class, and of high-spirited aristocrats, haughty towards their inferiors, emulous towards their peers, but all alike jealous unto the death of the kingly supremacy of any one man. But these Roman republicans were known as conquerors beyond Italy for only 231 years, from the first passage of the Straits of Messina by the legions, until the battle of Actium, when, by the general consent of mankind, after a whole century of revolutions and civil strife, all authority was, for the sake of peace and order, concentrated in the hands of a single individual.† No less than five hundred years elapsed from this commencement of the sole dominion of the first Augustus Cæsar to the time when Augustulus, at the bidding of the Goth Odoacer, solemnly resigned the Imperial office. This period of Roman rule was not only the longest, but it was the last; and the Roman power was in the course of it far more widely extended than it had ever been in the ages of the Commonwealth. Throughout these five centuries it was not the Roman people or the Roman Senate to which the world looked

* The occasional partitions of the Roman Empire into the empires of the east and west, form no real exceptions to the truth of what is stated here. The half-empires were entirely despotisms.

† "Postquam bellatum apud Actium atque omnem potestatem ad unum deferri pacis oportuit."—Tacitus, Hist. i.

up; but the one man who was sovereign of Rome. The Cæsar, the Augustus, the Princeps, the Imperator, was the impersonation of Roman majesty, the fountain of Roman justice, and the autocrat of Roman power in the eyes of the barbarian without, as well as of the citizen and the provincial within the frontier. The idea of an emperor in the sense which the word has continued to bear in modern times, and not in its old classical meaning of victorious general, became inseparable from the idea of an empire.

Universal recognition, of a Cæsar, of an autocrat, as dominating, and as impersonating Rome.

The existence of nobles deriving their rank, not from birth or property, but from the personal grant of the sovereign, is clearly traceable in the Roman Empire during its latter centuries; and it is from the Romans, and not from the Celts, or Germans, that modern Europe has derived this remarkable institution. In other words, the branch of royal prerogative by which a modern king confers nobility on a favoured subject, is of Roman origin.

Nobility, as created by the Sovereign, a Roman institution.

This grew up slowly and gradually during the first ages of the Roman Empire, but was thoroughly established by the time of Constantine. By a natural custom, the first Emperors kept near them a chosen body of friends and advisers, who were known as the "companions," the *comites*, of the Prince. By degrees these companions of royalty were regarded as an order in the State; they had definite duties assigned to them; and each had definite dignity and precedence in the pompous ceremonial which Diocletian established in the Roman Courts.* In process of time the title of Comes (which we may now render by its modern form of "Count,") was retained and permanently

* Court (*Cohors*) meant originally the band of the chosen companions (*comites*) who attended the Emperor or any distinguished member of the Imperial family.

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used by the sovereign's favourite officers when no longer in attendance on their prince: and at last the title ceased to imply necessarily that the bearer of it was a member of the royal household, or habitually employed near the imperial person. It was frequently given to the rulers of distant regions. Thus the officer who was charged with the defence of that part of the British coast, which was most ravaged by the Saxon pirates, was called Count of the Saxon shore * ("Comes littoris Saxonici"). Another officer, with the title of "Count of Britain," commanded in the southern and western parts of the island; while, in the northern portion of Roman Britain, there was a Roman general whose duties were probably more purely military than those of the Counts, and who bore a title meaning "Leader," a title of which the Roman form "Dux" has passed, like Comes, into one of mediæval and modern nobility.†

* In a note to my treatise on the English Constitution, I have given the reasons for giving this meaning to the term "Comes littoris Saxonici;" but, for the purpose of the present text, it is immaterial whether we so understand it, or suppose that the shore was called Saxon, from Saxons having settled there.

† The title of Count, though often thus given to officers employed at a distance from the court, was still used as a court title; and it was also sometimes granted without reference to any peculiar office or station. "Distinguished first, perhaps, by custom and etiquette, and afterwards by law, into three classes, the 'Comites' formed a personal nobility, whilst the title itself no longer resulted from habitual association with the emperor, but was conferred by special diploma. Every department of the Court, and every employment connected with the 'sacred person' of the emperor, was assigned to the high functionaries included in the Comitial order; the chief of the body-physicians was a Comes; the same title was given to the commander of the 'Domestics,' or body-guards; and the wardrobe, the treasury, and the stable, were all superintended by their respective 'Comites,' from the latter of whom the proudest office of the feudal monarchies was afterwards derived. The honour might also be granted absolutely, without any peculiar duty being assigned to it, in which case it was merely a title, but accompanied with the privilege of entrance into the Imperial consistory, which was assigned to all the counts of the first rank or highest degree; and such a dignity, which graced the municipal magistrate after he had retired from public life, might be also bestowed upon the Pro-

That we may rightly estimate the effects of these imperial institutions, we must not omit to notice the eagerness with which Roman titles were coveted, and the style of Roman sovereignty imitated by the barbarian kings and chiefs, both those on the frontiers and those who, as dependent princes, were permitted to retain a semblance of authority within the Roman provinces.* This imitative spirit did not cease even when the political authority of Rome was utterly and finally destroyed in the countries which were once the provinces of the western empire, and which have become the chief states of modern Europe. The conquered provincials retained it; the conquering Germans acquired it, not everywhere in the same degree, or by the same processes, or with the same continuity; but the influence of old imperial Rome is still felt in every land that once was Rome's, and has been transmitted to regions whither her conquests never extended, and the very existence of which was unknown by her.

Eagerness of the barbaric chiefs for the pomps and titles of Roman power.

Undying influence of old Imperial Rome.

Thirdly: There is evidence that, in many parts of the Roman Empire of the West, councils were from time to time assembled, at which the chief magistrates of the cities attended, and at which deputies specially chosen for the purpose were sometimes allowed to represent the wishes and advocate the interests of other classes of the provincials. The details as to the com-

consuls or Præfects, to increase their state and consequence whilst in office. Hence, the Proconsuls and other local governors were sometimes called the Counts of the Provinces. The municipal authority of the governor was of little effect, unless supported by the sword. The 'Comes' was therefore empowered to compel obedience to the law; the robber and the malefactor were to dread his severity; and for these purposes of coercion, a military force was necessarily at his disposal. In these duties the Comites were assisted by certain officers, denominated 'Irenarchs,' or Conservators of the Peace, commanding an armed police, whose posts were dispersed over the Provinces."—Palgrave's English Commonwealth, c. x.

* See Palgrave, c. x., p. 360.

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Germs of Representative Government in Roman Empire.

position of these councils, which we can trace, are very fragmentary and obscure;* but the general facts above stated may be regarded as certain; and though we have no express records of the part taken by British civic magistrates or other deputies in provincial councils, we may reasonably believe that the Britons under the Empire had the same rights and usages in this respect, which we know to have been exercised by the Gauls and other provincials of western Europe. At these councils all matters of general interest to the province or diocese, for which the council was convened, were regularly discussed, and petitions were prepared for presentation to the emperor for redress of grievances, for the grant of privileges, and for desired alterations in the laws. These petitions were conveyed to the imperial residence and laid before the sovereign by a strictly limited number of the council, who were chosen in and by the council as a committee for this purpose. These councils had no judicial power: they had little real legislative power, for they only begged for laws without aiding in making them; and a law made on their petition might at any time be altered or annulled by another law emanating from the sole will of the emperor. They had no control over taxation or public revenue; they never dared to give advice on matters of imperial policy. Yet, limited as was their operation, and feeble as was their authority, the existence of such deliberative assemblies must have had some moral effect on the subjects of the Empire; and these old Roman provincial councils are not to be lost sight of by those who investigate the original elements of the various representative assemblies that were established among the nations of mediæval Europe.

* See Palgrave, English Commonwealth, pp. 360, 361.

Fourthly: The Roman law was the greatest boon given by Rome to the countries which she conquered: and, for having created and diffused that law, Rome still commands the admiration and gratitude of civilised mankind. It is not, indeed, going too far to call the Roman law the noblest and most valuable production of the uninspired human intellect, when we consider the righteous discernment with which the Roman jurists beheld and confessed the immutable principles of justice,* and the unrivalled skill with which they defined and classified the rights and duties of Man in all the relations of social and civil life, and with which they provided practical remedies for practical wrongs. The Roman law was never utterly and permanently lost in any country in which it was once established; but its influence in Britain, after the downfall of the Empire, was probably (for causes which will be pointed out in the course of this work) more weakened for a time, and less speedily and vigorously restored, than in any other part of western Europe.

The Roman law.

Our opinion, indeed, as to how far the effect of any of the Roman imperial institutions, which we have been considering, was uninterrupted and permanent in Britain, will depend, to some extent, on the opinion which we form as to the conquest of this country by the Anglo-Saxons—a topic which will be treated of in the next chapter. But, even if we were to hold that the Anglo-Saxon occupation of this island was accomplished by warfare so exterminating as to have eradicated for a time every vestige of Roman rule in Britain, the study of the Roman institutions in the old provinces of the Western Empire would still be one of practical importance to us, and would still form a pro-

* See Milman's remarks on the Roman Law, in his History of Latin Christianity.

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per part of the study of English history. For it is certain that by means of the intercourse in after-times between this island and the continental kingdoms which grew out of Roman provinces, by reason of the influence which continental ecclesiastics and nobles acquired here during the reigns of the Saxon kings of England, and, above all, by means of the Norman Conquest, Roman influences and Romanised institutions were largely re-introduced into our country, and that (blending with many others) they have formed abiding elements of our social and political system. We must remember the nature and the developments of Roman imperial rule, not only that we may know how the inhabitants of Britain lived under that rule for some centuries, but that we may rightly comprehend the origin and essential character of much that exists among us at the present time.

CHAPTER III.

Wretched state of Britain after the departure of the Romans—Saxon conquest—Importance of the German (*i.e.*, the Saxon) element of our population—Noble character of the ancient Germans—The Germania of Tacitus—Domestic virtues of the Germans—Their political institutions—Their love of personal independence—Parts of the continent whence the Anglo-Saxons came—Uncertainty of precise circumstances of the Anglo-Saxon conquest—Extent to which the old traditions may be trusted—The various Anglo-Saxon kingdoms founded here—The Heptarchy—Welsh and Scotch kingdoms—Disappearance of the Picts from history—Was the Saxon conquest a war of extermination?—Evidence of language—Wars of the Heptarchy—Were the Bretwaldas real?—Points of interest in the history of these times—Conversion of the Anglo-Saxons—Pope Gregory—State of the Papal power—Monasticism—Augustine lands in Kent—Sketch of the heathen creed of the Saxons—Conversion of the Kentish king and people—Bishoprics established in England—Conversion of the other Saxon kingdoms—Parish churches, cathedrals, monasteries, and schools—Learning of the Anglo-Saxon clergy—Anglo-Saxon missionaries convert the Germans—Alcuin at Charlemagne's court—England one Church before one State—Close of the period of the Heptarchy.

WE have seen Britain, after three centuries and a half of Roman domination, abandoned by her old conquerors, and left to self-rule and self-defence. But, when a nation is disunited and weak, self-rule means anarchy, and self-defence means exposure to plunder and subjection. For about fifty years after the Romans left the land, it was an almost helpless prey to the Picts and Scots; and when at last the Britons, in their misery, called in the Saxons to the rescue, these auxiliaries from the other side of the German Ocean effected in their own behalf a conquest of the land they came to save,—a conquest attended with greater changes than any other which Britain has, either before or since, undergone.

Britain left lordless and helpless.

Four races of men have principally formed our

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English nation; first, the Britons, who, as we have seen, were Romanised Celts; secondly, the Anglo-Saxons, who were Germans; thirdly, the Danes from Scandinavia; and, fourthly, the Normans, who were a composite race, originally Scandinavian, but largely mingled, before their arrival here, with the Frankish and Roman-Gallic populations of the Continent.

The Saxon immigrations.

Of these four races, the German (that is, the Anglo-Saxon), though only second in point of date of settlement here, is first in importance. The name, by which our country is best known in the world; the name, which is dearest and most familiar to us, is a German word.

An "England" formed in Britain.

England is the land of the Engles or Angles—the German tribe that gave a new collective appellation to the southern and best part of the island, while the new and permanent appellations of many parts of it, such as Sussex, Essex, Middlesex, were taken from the Saxons, the other chief tribe of our German forefathers.

Main stock of the modern English nation is Saxon, *i.e.* German.

Our language, though now apparently so different from German, was given to us by Germans, and is still essentially a German tongue. And although our institutions, our population, our national character, have been greatly modified by the admixture of other elements, they still have more of the old Teutonic type in them than of any other; and we can yet point to ancient Germany as the source whence the main stream of the English nation has flowed.

We have good cause to be proud of this stem of our national pedigree, and of our descent from the free warriors of the nation, which, alone of all the European nations that the Romans attacked, maintained her independence. The Germans conquered and dismembered Rome's western empire in its decline; but it is still more to their glory that they resolutely withstood Rome when in the very zenith of her power,

when "there went out a decree from Cæsar Augustus that all the world should be taxed," and when the earth seemed almost left void of independent nations.

Noble characteristics of the ancient Germans.

The ancient Germans extorted the respect and praise of the Romans, not only by their indomitable valour and their zeal for liberty, but also by their domestic virtues, and by the free and well-ordered character of their internal governments. The great Roman historian, Tacitus, has marked and recorded with almost envious admiration the remarkable points, as to which the Germans differed from the Celtic, the Sclavonic, and all the other races to which the Romans gave the name of barbarians, as well as from the Romans themselves in their ages of degeneracy.*

These distinguishing characteristics of the Germans were,—First, their personal freedom, and regard for

* The "Germania" of Tacitus should be studied equally by the classical scholar, who seeks the causes which checked the conquering career of old Rome; by the investigator of the rise and growth of the present European state-system; and by the inquirer into our own laws and political constitution. I transcribe with pleasure an eloquent passage on the value of the "Germania," from the excellent history of our country by M. de Bonnechose. The testimony of a foreigner to the great fact, that the best principles of the old Germanic institutions have been best developed in England, is very valuable. M. de Bonnechose says (vol. i. p. 63):—"Ce qu'il faut surtout voir dans Tacite, lorsqu'on y cherche les traits profonds, impérissables, qui caractérisaient de son temps la plupart des peuples Germains; ce qu'il importe d'y étudier lorsqu'on veut saisir dans le passé le secret de l'avenir, c'est ce sentiment viril de la dignité humaine, cet amour de l'indépendance individuelle, tempéré dans des âmes guerrières par le dévouement au chef, et par le respect pour l'illustration du sang: ce qui commande au plus haut degré l'attention dans leur coutumes, c'est le partage du pouvoir entre le prince et le peuple, la sanction des lois par l'assentiment populaire, et le jugement des accusés par des assesseurs librement élus. Ce sont là les germes des institutions, qui se sont développées parmi quelques peuples modernes; ils se combinaient chez nos rudes aïeux avec la crainte de la divinité, avec le culte du courage, et le respect traditionnel des ancêtres et des héros; et, transplantés de la Germanie dans un sol favorable, ils ont donné à l'Angleterre ses institutions libres et son génie. C'est dans ce pays surtout qu'ils ont porté leur fruit, parceque tout y concourut d'abord à leur développement et que les conditions indispensables pour les féconder s'y sont mieux conservées que chez la plupart des peuples du continent."

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the rights of men; secondly, the honour paid by them to the female sex, and the chastity for which the latter were celebrated among the people of the north.* Nowhere did the domestic virtues flourish more than in a Teutonic home. Polygamy was almost unknown; and Infanticide, the common crime of heathen antiquity, was regarded with the utmost horror. The Woman was held in respect by the Man, which she repaid by pure affection, and by sharing in his perils, as well as in his pleasures. The names of Virgin, of Wife, and of Mother, were most sacred. In the German political institutions we trace the types of many of the best principles of our Constitution. We note especially that spirit of self-government, to the maintenance of which England owes so much of her greatness. The ancient Germans had their local courts, presided over by head-men or magistrates, who were freely elected by the people; and the men of each district were organised into hundreds for self-rule, and as frank-pledges for each other. They had their general assemblies, in which all freemen had a right to take part, and in which all important State affairs were determined; matters of inferior consequence being dealt with by the principal magistrates alone. All subjects brought before the popular assembly were also debated at the meetings of the smaller and more aristocratic body. They had kings, who were taken from certain families, and who ruled with limited authority. In great emergencies they elected leaders from among the chiefs most distinguished for valour. They had no walled cities or towns; but they had villages, in which they dwelt, each man amidst his own family, in his own homestead.†

Ancient German Institutions.

* Prichard's Researches into the Physical History of Man, vol. iii. p. 423.

† For a fuller examination of the German institutions, see Rise and Progress of the English Constitution, p. 18.

It is very important to remember this in considering the influence of the Germanic conquerors of Western Europe on the growth of both mediæval and modern institutions and usages. We have observed how thoroughly the ancient Romans were the people of a town, not of a country; and how strongly the civic element of society predominated in all their institutions, in all their opinions. The German tone of mind was far different; and some of the most important distinctions between the civilisation of modern Europe and the old classical civilisation are due to these peculiar traits of the Teutonic character.*

Ancient Germans neither dwellers in cities nor in tents, but villagers.

The German warrior, while ever ready to fight to the death for his fatherland, had still a love of personal independence, a habit of acting at his own free will and with no master but his mood, which distinguished his patriotism from that of the classic citizen, in whose eyes the state, the city, the Civitas, the Πόλις (by whatsoever term we phrase it), was everything, and the individual nothing. But the Germans had also a respect for law and order, and a capacity for political organisation as well as for self-government, which Nomad tribes of dwellers in tents have never exhibited.

The Germans, who settled in this island during the fifth and sixth centuries, are usually spoken of as Saxons, Angles, and Jutes. The collective name of Anglo-Saxon has been given to them by modern historians, for the sake of distinguishing them from the Saxons of Continental Germany, and it is a name which it is convenient to employ.

There has been, and there continues to be, much

* The student of history cannot devote too much attention to M. Guizot's Lectures on European Civilisation, especially to the earlier ones, as connected with this subject.

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learned controversy as to the exact localities on the Continent whence the Germanic conquerors of Britain came, and as to their precise degrees of affinity one with the other. Without entering into these deep (though very valuable and interesting) discussions, we may be safe in adopting the general statement, that the Anglo-Saxons were Germans of the sea-coast between the Eyder and the Yssel, of the islands that lie off that coast, and of the water-systems of the lower Eyder, the lower Elbe, and the Weser. It is important to observe that these are all parts of Germany, with which the Romans were less acquainted than was the case with the parts of Germany that lie near the Rhine and the Danube, the two boundary rivers of the Roman continental empire in Europe.

Continental homes of the Anglo-Saxons.

There are old writers who pretend to supply us with a narrative of the exact circumstances under which the Saxons first landed here; and whose books contain many descriptions of the negotiations, the perfidies, and the wars, by which the conquests of the new-comers were effected in spite of the romantic valour, and brilliant, but unprofitable victories won by heroes on the British side. Many modern writers have given their readers as genuine history a narrative framed from these materials. But the truth is that, after the period when we lose the light of Roman authorities, "our knowledge of the affairs of Britain, previous to the introduction of Christianity among the Anglo-Saxons, is derived from the most obscure and unsatisfactory evidence."* The common narrative may be partly, or even to a great extent, true. But we have no certainty about it: nor can we tell what

Uncertainty as to their first settlements here.

* Palgrave's English Commonwealth, vol. i. p. 389. For a critical examination of the authorities for this period, see the Literary Introduction to Lappenberg's History of England under the Anglo-Saxons.

portions are ascribable to poetic imagination or to patriotic mendacity. CHAP. III.

410—449. General facts.

The general fact is certain, that by the end of the sixth century the Anglo-Saxons had thoroughly conquered Britain, except the districts along the western coast, and except the northern regions, which we now call the Scotch Highlands. It is also certain that this conquest was not effected by the Anglo-Saxons acting as a single host, or as a single nation. Separate bands of adventurers from various parts of the German coast came hither at different times; and they fought and conquered, each band on its own account. The most successful chieftains founded kingdoms; but they were as ready to make war upon each other as upon the remnants of the unsubdued Britons. The Britons were disunited, and at frequent strife with each other; but they made a longer and a more honourable resistance to their invaders, than was offered in Gaul or in Spain, or in any of the other continental provinces of the Western Empire to the German conquerors who overran them.

Saxon kingdoms in this island.

It seems reasonable to believe that the Saxon and British traditions would preserve with substantial accuracy the names of the principal Saxon founders of kingdoms here, and the order of time in which those kingdoms were established. The names of the most eminent Saxon leaders are in many cases attested by the places that have been called after them; and these names are also likely to have been remembered and repeated with general correctness in the genealogies, which it was the favourite occupation of the Teutonic bards to recapitulate, and to which the Teutonic chieftains delighted to listen. The first Saxon kingdom was founded in Kent. The second was the kingdom of South Saxons (Suth-Seaxe, whence the modern

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name of the territory, Sussex), founded by King Ella, and his valiant son Cissa, whose fame is attested by the names of Chichester (Cissa-ceastre) and Cissbury. The most renowned, and eventually the most important of the Saxon kingdoms was Wessex, that is to say the kingdom of the West Saxons, founded by Cerdic, up to whom the pedigree of the present sovereign of the British Empire may be traced. Wessex (as enlarged by the children of Cerdic) extended from the borders of Sussex as far as Cornwall. If King Arthur, the favourite hero of mediæval romance and of Welsh antiquarianism, was a real historical personage, he must have been a leader of the British against the West Saxons whom Cerdic and Cerdic's sons commanded. An Arthur may have lived, and an Arthur may have gained some temporary advantage over the invaders; and he may have been conspicuous both for personal valour and for the indomitable energy with which he strove to uphold the falling fortunes of his race. But his successes, as told by lay and legend, must have been grossly exaggerated; and there is no doubt of the grand result of the strife between the German and the Romanised Celt in Western England having been, as everywhere else, the defeat and displacement of the old inhabitants, and the establishment of the new comers as lords of the land.

In the east of England the German tribes founded a kingdom, known as East Anglia. The northern part of it, Norfolk, still tells by its name the part where the conquerors settled who became the northern folk of East Anglia; and Suffolk (the southern folk) similarly attested where the other tribe fixed its habitation. Another band founded a small kingdom between East Anglia and the Thames, which took the name of Essex, the land of the East Saxons. More to the

north, Ida, the great Anglian warrior, whose twelve sons followed him to battle, conquered the land from the banks of the Humber to the shores of the Frith of Forth, and founded the kingdom of Northumbria; which included the territories that now form the Scotch lowlands eastward of the Clyde, and the modern English counties of Northumberland, Durham, and York. The kingdom of Mercia, in central England, was the last of the kingdoms founded by the Saxons. It was the largest of them all, comprising the districts that now make up more than fifteen of our midland counties.

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These seven States are commonly spoken of as the Anglo-Saxon Heptarchy; and the period of rather more than two centuries, which passed between the time when the existence of those seven kingdoms can be clearly traced, and the time when Wessex acquired a decided and a permanent ascendancy over the others, is frequently called the times of the Heptarchy. The phrase is not strictly correct; for during part of this period the kingdom of Northumbria was divided into two, the northern portion of which was called Bernicia, and the southern was known as the kingdom of Deira. But the term Heptarchy is so familiar and so well-understood, that there is no risk of the use of it misleading any one into the idea, that the number of independent Anglo-Saxon kingdoms in the island before Egbert's time was always exactly seven.

The Heptarchy.

Besides these Anglo-Saxon kingdoms, there were still many important districts yet retained by the old inhabitants. Cornwall was long held by the Britons, or the Welsh, as the Saxons termed them, the word "Welsh" being the German word for "foreigners." The parts which we still call North and South Wales, were British; and further to the north lay Cumbria and

Britain ultra-Saxondom.

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457-597.

Strath Clyde, also British; and the Caledonian Highlands were ranged over by the Scottish and Pictish tribes, of whose struggles with one another we know nothing, beyond the fact that such struggles took place, and that the result was in favour of the Scots. When we come to times as to which there is anything like full historical knowledge, we find that the Picts have almost entirely disappeared.

Prevalence of the Saxon language, and of Saxon Heathendom.

Of the five territories south of the Scotch Highlands, which have been mentioned as remaining unsubdued by the Saxons in the time of the Heptarchy, all, except North and South Wales, were conquered by Anglo-Saxon kings of later date. In Wales the great bulk of the population still retain their old Celtic language; and a Celtic dialect was spoken within the last hundred years in parts of Cornwall. Elsewhere throughout England, and throughout the Scotch Lowlands, the tongue of the Germanic conquerors has prevailed; and it seems to have prevailed from the very date of their conquest. When we reflect on this fact, and when we also couple with it another fact, namely, that the Christian religion, which the Britons had generally adopted, entirely disappeared from those regions which the Saxons conquered, until they themselves were converted by missionaries from Papal Rome, we are led to consider seriously whether the warfare of the Saxons against the Britons must not have been almost, if not quite, a war of extermination.

How far was the Saxon conquest a war of extermination?

Modern historians of very high authority have differed widely with each other in their opinions on this subject. I have in another treatise* discussed the matter more fully than I have space for here: and I have there stated the reasons which lead me to believe that the Saxons almost, or entirely, exterminated or

* Rise and Progress of the English Commonwealth, p. 28.

expelled the *men* of British race whom they found in the parts of this country which they conquered; but that, as they brought with them no women, or only a very few women, from their own country, they took wives to themselves from among the females of the vanquished population. The philological evidence which we possess as to this is very remarkable. There are about thirty Celtic words in our language, besides those which are common to both the Celtic and the Germanic tongues, and besides those which can be proved to be of late introduction. When these genuine Celtic words of our language are carefully examined, it will be found that they all apply to employments which a Germanic warrior would have considered beneath his dignity; and it will also be found that by far the larger number of them apply to articles of feminine use, or to domestic occupations.* This looks like the natural consequence of the conquering Saxons having made slaves of a scanty remnant of their male prisoners, and having formed unions with British females. "The Saxon master of each household would make his wife and his dependants learn and adopt his language; but in matters of housewifery and of menial drudgery their proud lord would scorn to interfere, and they would be permitted to employ their own old familiar terms."

Evidence of language.

In the vigorous sketch of early English history which we possess among the prose works of Milton, the contests of the Kings of the Heptarchy with each other are treated as no more worthy of historical study than "the fights between the kites and the crows." So far as regards the study of details, the comparison is a just

* The list of these words was formed by the late Mr. Garnett, and it was published in the Transactions of the London Philological Society. It is copied in p. 31 of the Rise and Progress of the English Constitution.

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one; but there are certain general facts which are important. First, there is the general fact that these conflicts of the Anglo-Saxons one with another were almost incessant—a fact which shows the pugnacity of the race and the disorder of the times. Secondly, there is the general fact that the three larger kingdoms, namely, Northumbria, Mercia, and Wessex, gradually increased in power at the expense of their weaker neighbours. These are things which there is no doubt about; but when we come to the subject of the supposed Bretwaldas, we must exercise considerable caution before we adopt the long current opinion that among the Anglo-Saxons of the Heptarchy there was a prouder honour than that of king; that the Bretwalda held an imperial supremacy over all Britain; and that the kings, the nobles, and the magistrates of all the kingdoms were bound by his paramount authority.

Bretwaldas doubtful.

There is reason to believe that there arose, from time to time, among the numerous Saxon princes, a chief ambitious enough and strong enough to claim and to exact from the other kings of the island (or at least from the other kings of the greater part of it), an acknowledgment of his superiority. This is the utmost that can be fairly implied from the title "Bretwalda," or "Bretenwalde"* (for the etymology is uncertain), which is said to have been assumed by seven Saxon kings (one South-Saxon, one West-Saxon, one Kentish, one East-Anglian, and three Northumbrian), before the time of Egbert. The modern theories, that the kings of the Seven kingdoms formed a confederation either

* The word Bretwalda is supposed to mean "Ruler of Britain," or "chief amongst the Britons." The word Bretenwalda means "widely-ruling." On the subject of the supposed Bretwaldas, see Kemble's Saxons in England, vol. ii. p. 8, and the supplemental note to Hallam's Middle Ages, vol. ii. p. 354. Tenth edition.

regularly, or on great emergencies, and that they elected one of their number as paramount sovereign over all Britain, or as generalissimo against the Britons (that is against the Welsh), are unsupported by any writer who lived within several centuries of those times; and they are opposed by all the facts which we can collect and safely rely on for the history of the Heptarchy.

But though we may pass rapidly over the rivalries and the wars of the Seven States, there are certain important events of those times which require, and will well repay, our most earnest consideration.

These are the conversion of the Anglo-Saxons to Christianity by missionaries from the Continent: the consequent rapid growth of learning and of civilisation in the island: and the noble return which the island made by sending Anglo-Saxon missionaries to convert the Continental heathens, and by sending Anglo-Saxon teachers to enlighten the Continental schools.

Conversion of Anglo-Saxons to Christianity.

About the year 590, when the southern part of Northumbria was an independent kingdom, named Deira, some English children were obtained thence by foreign slave-dealers, and were exposed for sale in the market-place at Rome. Abbot Gregory, of the Roman monastery of St. Andrew, passed by, and was struck with the remarkable beauty of the children, especially with their fair complexions and long flaxen hair. In answer to his inquiries, he was told that they came from the island of Britain, and that the inhabitants of that island were heathens. Gregory lamented that beings of so bright a hue should belong to the Prince of Darkness; and he asked of what race the captives came. On being told that they were Angles, he exclaimed, "They are rightly named, for their faces are angelic; and such should be the co-heirs of the angels

Pope Gregory's puns and proselytisms.

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in heaven." The answers to some more questions caused some more play upon words; * but the impression which the scene made on the Christian Abbot's heart was deep and permanent. He resolved that the Gospel should be preached to this beautiful race; and forthwith he sought an audience of the Pope, whom he implored to send ministers of the Word into Britain to the nation of the Angles. Gregory offered to be the leader of the missionary band; but his presence in Rome was valued too highly both by Pontiff and by citizens, for a consent to his departure to be obtained. The enterprise was delayed for a time; but, though deferred, it was not forgotten by the pious enthusiast who had designed it.

Position and influence of the early Popes.

We have, in the last chapter, paid attention to the military and political conquest of Britain by Imperial Rome, and to some of the effects of that conquest. We now approach the subject of the ecclesiastical ascendancy obtained here, and long exercised by Papal Rome, a subject which we shall find frequently recurring and assuming great importance in the subsequent portions of this history. It is therefore one which requires careful examination when first introduced, and, in order to understand the consequences of the establishment of a Christian Church in Saxon England

* The original dialogue, as recorded in Bede, is as follows:—"Interrogavit utrum iidem insulani Christiani, aut paganis adhuc erroribus essent implicati. Dictum est quod essent pagani. At ille intimo ex corde longa trahens suspiria; 'Heu, proh dolor!' inquit, 'quod tam lucidi vultus homines tenebrarum auctor possidet, tantaque gratia frontispicii mentem ab interna gratia vacuam gestat.' Rursus ergo interrogavit, 'quod esset vocabulum gentis illius?' Responsum est, quod Angli vocarentur. At ille, 'Bene,' inquit; 'nam et Angelicam habent faciem, et tales Angelorum in caelis decet esse coheredes. Quod habet nomen ipsa provincia de qua isti sunt adlati?' Responsum est, quod Deiri vocarentur iidem provinciales. At ille: 'Bene,' inquit, 'Deiri, de irâ eruti, et ad misericordiam Christi vocati. Rex provinciæ illius quomodo appellatur?' Responsum est, quod Aelle dicaretur. At ille alludens ad nomen ait: 'Alleluia, laudem Dei Creatoris illis in partibus oportet cantari.'"

by missionaries from Rome, we must see what was the position of the Bishop of Rome, and what extent the Papal power had acquired at the time when this conversion of our country was accomplished.*

Even in the earliest times of Christianity, the bishop of the Christians in Rome must have been treated with attention and respect by many, besides those believers who were permanent inhabitants of the city. There must have been a far larger number of Christians whose official duty, or private business, or curiosity, brought them occasionally to the capital of the empire. All these would be under his spiritual jurisdiction for a time, and the effect on them was likely to be permanent. In the feelings of Roman citizens and Roman subjects "the Church of the capital could not but assume something of the dignity of the capital," a dignity superior in kind to that of all other churches, so that a comparison between them would be a folly like that of which the shepherd in the Eclogues accuses himself, for having thought that mere magnitude was all wherein Mantua was inferior to Rome. Even among the large mass of inhabitants of the empire that never entered Italy, this feeling of peculiar reverence for all who bore authority in Rome must have had considerable influence. And there were other causes that contributed to give importance and general authority to the bishop of the capital city.

When persecution raged or was threatened, the Christians in all parts of the Roman world must have looked anxiously to see what the Emperor would cause

* On the whole subject of the ecclesiastical relations between England and Rome the student should consult with the greatest attention Milman's History of Latin Christianity. The position of the first Roman bishops, and the beginnings of the papal power are admirably traced in the first volume. I am largely indebted to it as the original of many passages in this chapter.

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to be done in the Imperial City, and what would be the conduct of the chief of the Christians in that city during the fiery trial. When controversies broke out in the Church, the leaders of the rival sects appear to have flocked to Rome, as the place where they most desired to obtain adherents and achieve triumphs. The Roman bishop was thus obliged to pronounce primary sentence in the most important of the early ecclesiastical disputes. His judgment might not be universally obeyed; but none pretended to slight it as immaterial. As Christianity extended its influence over the world, so was the influence of the Roman Pontiff over Christendom extended, especially over the western countries, where the dignity of Rome, of the ancient Imperial City, was most profoundly felt. When that city had become a Christian city, not only was the local power of its spiritual chief augmented, but he seemed to inherit the majesty with which the old Cæsars and Augusti had been invested. He was more and more generally regarded as an object of peculiar reverence, and Rome was looked to as the source whence other churches in their disputes and difficulties might obtain authoritative advice and superior guidance.

Rome always Rome, even in her worst anguish

Even amid the worst misfortunes that came upon the old city of the Seven Hills, she never lost this hold upon the minds of men, and never ceased to be regarded as the true seat of ancient and legitimate dominion.*

The very distresses and the humiliations of Rome tended to assure and consolidate the power of her bishops. Temporal authority over the old capital was

* See Guizot's 27th Lecture on French Civilisation, and Palgrave's History of Normandy, vol. i. p. 19, for eloquent comments on the important fact that Rome, though frequently besieged and taken, was never permanently occupied by the Barbarians, and never was aught but a Roman city. "Seule elle resta Romaine après la ruine de l'Empire Romain."

claimed by the last feeble beings who assumed the title of Emperors of the West; and afterwards the Byzantine emperors arrogated the same sovereignty; but, when Rome was attacked by barbarian invaders, when she was rent by seditions, or devastated by pestilences and famines, these so-called rulers fulfilled none of the duties of rule. All would have been anarchy and ruin, had not Rome's bishops stood forward, and exerted the authority which the trembling consent of all classes of the community placed in their hands.

The influence thus nobly acquired in evil emergencies was to a great extent permanently retained; though it is impossible to trace or to define the municipal government of the city of Rome in the centuries of confusion that followed the downfall of her Western Empire. The power, which the Roman bishop obtained in the dealings of Rome as a State, augmented his reputation and that of the Church of which he was pontiff. Very early, also, did the legends become current that St. Peter was the Chief of the Apostles, and that the Church of Rome was the special foundation and the chosen See of St. Peter. The Roman pontiffs zealously inculcated the reality, and urged the importance, of these traditions; and they appealed also to the old temporal supremacy of Imperial Rome as a type of the spiritual dominion which the Church of Rome had a right to exercise.*

The converted barbarian conquerors, as well as the surviving provincials of what had been the Western Empire on the Continent, heard these claims with deference, especially as they were repeated and enforced by zealous and able ecclesiastics, trained in the Romish discipline and learning, who readily visited every

* See the extracts from the sermon of Leo the First, given in Milman's History of Latin Christianity, vol. i. p. 180, and notes.

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region where the interests of their Church appeared to require their presence. The title of Pope (which had originally been a title of respect commonly given to all bishops) was now ascribed peculiarly to the Bishop of Rome; and the paramount superiority of the Popes (though they were still far from claiming such powers as those arrogated and exercised a few centuries later by their successors) began before the close of the sixth century to be generally acknowledged in Western European Christendom.

Gregory was raised to this high office in 596 by the acclamations and the importunities of the clergy, the senate, and the people of Rome. Among the many cares and perils of his new station, he did not forget his project for the conversion of Britain. Soon after he was made pope, he formed a band of forty missionaries, whom he despatched from Italy hither to encounter martyrdom, or to achieve the spiritual conquest of the island. He appointed, as chief of this sacred band, Augustine the prior of the Benedictine Convent in Rome, of which Gregory himself had been abbot. A large proportion of Augustine's companions were monks, but some were of the secular clergy.

Augustine, first missionary from Papal Rome to Britain.

Monasticism had been established in Western Christendom long before the mission of Augustine; and the monks had generally been found to be the most zealous partizans for the authority of the Roman Pontiffs. Monks were not necessarily (and at first they were not usually) clergymen; but their vows of poverty, of chastity, and of implicit obedience, completely severed the monks from the laity, and the state of monasticism was termed especially the state of religion. He who entered it was thenceforth regarded by the world's law, as well as by the Church's law, as having entered upon a new life, and having become a being of an

order essentially distinct from the great mass of humanity. The ostentatious austerities of the monks attracted notice, admiration, and envy; and monasticism was regarded as a state of superior sanctity to that of the ordinary clergy. Ecclesiastics high in sacerdotal station sought to advance their spiritual condition by becoming monks; and other causes led many of the most fervent and most gifted men of those ages to seek the monastic cell and cloister for a permanent earthly resting-place; whence, however, they often, by the force of circumstances, emerged, to sway the councils of kings and to control the social movements of nations.

Effect of monasticism in supplying missionaries.

Two errors, two pernicious errors, pervaded the principle of monachism. The first was the error of thinking that man can do his duty towards God the better by shunning his duty towards his neighbour, and by withdrawing himself from the world, in which his Maker has placed him, and whence, as we know by our Lord's own words, it was not the Lord's wish that the first chosen ministers of the Word should be taken away.* The other was the error of not foreseeing that bodies of men, cooped up in monasteries, and subjected to restraints too hard for common human nature, would necessarily degenerate into corruptions, worse than those of the outer world, which they sought to escape.†

No one, however, who comes to the study of medi-

* St. John xvii. 15.

† Mr. Merivale, in the sixth volume of his History of the Romans under the Empire, p. 288, has made some beautiful remarks on the beneficial effect on the moral character, produced by the common-place discharge of the common-place duties of men in a state of society. "The circumstances of daily life read constant lessons in love and honesty. Human nature, like running water, has a tendency to purify itself by action; the daily wants of life call forth corresponding duties, and duties daily performed settle into principles and ripen into graces."

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æval history with ordinary intelligence and without extraordinary prejudice, can fail to observe that much temporary good was wrought by the monastic establishments in Western Europe; and however much we may abhor the system, that seared and sought to extirpate in its votaries the holiest and purest feelings of humanity, it is clear that men who were disciplined under it, men who had renounced all ties of kith and kin, men who were knitted to the love of life by no domestic loving-kindness, and held back from self-sacrifice by no sense of responsibility for the welfare of others;—men also, who were trained in the severest subordination and the most unhesitating obedience to their ecclesiastical superiors, formed the most ready and effective instruments for any such perilous enterprise, as the inroad into Saxon heathendom must have appeared.

So terrible, indeed, was the reputation of the Anglo-Saxons, they were so generally supposed to surpass all other barbarians in wild stubbornness and appalling cruelty, that when Pope Gregory's emissaries had proceeded no farther than Provence, they heard so much of the savageness of those to whom they were sent, that they lost heart for a while, and halted on their perilous path.

Augustine, as the chief and the representative of the band, returned to Rome and repeated their tales of terror to the Pope. But Gregory exhorted and commanded them not to turn back from the good work; and he wrote letters to the Frankish rulers, through whose dominions they were to pass, requesting protection and assistance for the servants of the true Church. He succeeded also in obtaining for them, from among the Franks, interpreters to assist them in our island, the German dialect then spoken by the

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Franks differing little from the German then spoken by the Anglo-Saxons.

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Landing and first achievements of Augustine.

Thus encouraged and aided, Augustine and his companions landed here in the isle of Thanet, in the year 597. They chose this part of the island as being in the dominions of Ethelbert, King of Kent, whose consort was a Christian. This Kentish Queen was the daughter of Charibert, the Frankish King of Paris; and the Franks, who settled in Gaul, had now for some time been converted to Christianity. Charibert had stipulated that his daughter should have the free exercise of her religion in our heathen land; and a Christian Bishop, named Liudhard, accompanied her from Paris to Kent, and performed the rites of the Christian faith in the church of St. Martin, near the walls of Canterbury, which had not been wholly destroyed during the Saxon Conquest, and was now repaired for the use of Queen Bertha.

This may not have been the only alliance formed between a pagan Anglo-Saxon king and a Christian Frankish princess; yet, even if we suppose a few more such unions to have occurred, and an occasional gleam of Christianity thus to have been kindled in Saxon England, it is certain that the general condition of the country, throughout the whole Heptarchy, when the Roman monks came to Thanet, was profound heathendom. Even on the western frontiers, where the Saxon territories touched those of the Welsh, no conversion of the German strangers by the old British Christians had been effected. According to a Welsh account which is quoted, and apparently credited, by Bede, the Britons, in their hatred of the Saxons, purposely avoided imparting to them the tidings of salvation. In the north of the island, the Scotch tribes had generally been converted by missionaries

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from Ireland; but the Scotch showed no more desire than the Welsh to make Anglo-Saxon proselytes.

Points in the Anglo-Saxon mythology that favoured the introduction of Christianity.

The ferocious character of many parts of the heathen creed of the Saxons, may have made the task of winning them over to Christianity seem peculiarly difficult: and yet there was much in their early religion, as well as in their national character, that made them and their German and Scandinavian kinsmen more facile converts, and, when converted, more earnest Christians, than was the case with many other nations of antiquity. It is certain that the mythology of the North (the poetry of which, as entertained in Norway, Sweden, and Denmark, we know so fully from the Sagas) prevailed, and was substantially the same among all the Germanic tribes, although with variations of detail in different localities.* Its existence in Saxon England is attested by our language, as well as by chronicles and lays. We still name days of the week after Odin (Woden), Thor, Freia, and other deities of the Scandinavian and Teutonic creed. Here, in England, as well as on the opposite coasts of Norway and Germany, bold, barbarous men long believed, and acted on the belief, that a death in battle gave the only immediate passage to happiness hereafter, while he who died peacefully, sank down to the cold and joyless realm of Hel, the Hades of the Teutonic creed.† But the Anglo-Saxon warrior believed also that there was a worse place than this region of cheerless inactivity, reserved for those who had been guilty of base and foul crimes. "For the perjurer and the

* See the chapter on Saxon heathendom in Kemble. The works of the two great philologists, the brothers Grimm, are the main store-houses of learning on this subject.

† The Saxon Hel was, like the Homeric Hades, a place not of active punishment, but of joyless, querulous inactivity. Nástrond was the Tartarus of positive torture for enormous offenders.

secret murderer Nástrond existed, a place of torment and punishment—the strand of the dead—filled with foulness—peopled with poisonous serpents—dark—cold—and gloomy." And though the Heaven, the Valhalla to which he hoped to soar from the battle-field, was to be a place of coarse and savage enjoyment, the Saxon believed that all these things were to endure but for a time; that his war-gods were not to rule, to slay, and to revel for ever; but that a great and terrible day was to come, when this earth, the sun, the moon, and all the visible objects of creation, were to be consumed by fervent fire: after which there was to be a new world, more beautiful than the old: a new sun, with seven-fold the brilliancy of the destroyed orb, a sun that never was to set. "The moon will shine as the sun now doth, and never will wane or wax, but hold for ever on his course." Then, Balder, the gentle and gracious deity, the giver of light and joy, who had died for a time, was to arise from the tomb; the powers of death and evil were to perish and never be renewed, but the kingdom of the All-father should endure, where the just should have joy for ever.

The Saxon King, who had been reared in such a creed as this, could not have been much startled or offended by the first message, which he received from the Christian missionaries, who had landed in his dominions. "We come to thee from Rome," were the words of Augustine to Ethelbert. "We bring thee good tidings,—we tell thee of One who will promise, and who will assure to those who obey him, eternal joy in heaven, and a kingdom without end with the true and living God."* Ethelbert consented to listen; and, though for a time he halted between two faiths,

* Bede, lib. i.

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he at once gave to the missionaries full liberty to preach and to teach; and he assigned them a dwelling in his capital city, Canterbury. After a little while he professed himself a Christian, and was baptized; and by the Christmas of that year ten thousand men of Kent followed their King's example.

The joy of Pope Gregory, when he heard of this successful commencement of the great enterprise of converting the Saxons, was natural and honourable. He sent more missionaries from Rome to co-operate in the good work; and he appointed Augustine Archbishop of Canterbury, with spiritual authority over the Bishoprics that were to be established in Southern England. Gregory intended that there should be another Archiepiscopal See at York, with authority over the Suffragan Bishops of the north: and he had mapped out in his active mind the organisation of the whole English Church, while his envoys had yet scarcely made their way through a single kingdom of the Heptarchy.

Essex was the second Saxon kingdom which was converted. It is a strange fact that Sussex, though abutting on Kent, and so accessible from the Continent, was the last of all. It was about ninety years after the landing of Augustine in Kent, that Wilfred, the then banished Bishop of York, sought refuge from the anger of the Northumbrian sovereign among the still pagan folk of the South Saxons. He converted the king and the people; and the establishment of an Episcopal see at Selsea, afterwards transferred to Chichester, attested and rewarded his exertions.

Saxon England was thoroughly Christianised in a century; but the successful progress of the new creed had been by no means uniform. Kings and nobles, and whole populations, made frequent relapses into

Heathendom; and the savage zeal with which Penda, the powerful king of Mercia, upheld the faith of Odin and slaughtered the proselytes of the Cross, long prevented the establishment of the Church in the central regions of the island. The overthrow and death of this formidable pagan, in 655, was soon followed by the conversion of the Mercians. The important kingdom of Wessex had, after several professions of Christianity by its rulers, and several reactions towards Heathendom, finally adopted the true faith a little time before the fall of Penda.

In the North, the clergy and monks of Scotland had shaken off the apathy, with which they had long regarded the spiritual wants of their neighbours, and had aided in the conversion of Northumbria. No similar co-operation of the Welsh was attained. An unsuccessful attempt was made, a few years after Augustine's landing, to bring the British ecclesiastics into union with those sent hither by the Pope. The differences between them related chiefly to the right time of keeping Easter, the proper mode of shaving the clergy's heads, and the number of immersions necessary in baptism. But after some interviews, in which more of the jealous zeal of rival sects, than of good sense or Christian charity, was displayed on both sides, the negotiation between Augustine and the Welsh bishops was broken off, and no further efforts were made to bring the old British and the new Saxon churches into communion.

Civilising effects of Christianity on the Anglo-Saxons.

The civilising influences of Christianity were nowhere more signally or more rapidly displayed than in Anglo-Saxon England. A few years before the close of the sixth century, the country was little more than a wide wild battle-field, where gallant but rude warriors fought with each other, or against the neigh-

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bouring Welsh and Scots; unheeding and unheeded by the rest of Europe; or, if they attracted casual attention, regarded with dread and disgust as the fiercest of barbarians and the most untameable of pagans. In the eighth century, England was looked up to with admiration and gratitude, as superior to all the other countries of Western Europe in piety and learning, and as the land whence the most zealous and successful saints and teachers came forth to convert and enlighten the still barbarous regions of the continent.

High merits of many of the Ecclesiastics.

Much of this moral and intellectual advancement of the Anglo-Saxons is due to the high personal character of the early missionaries and bishops whom Rome sent hither. They came from the city where the remnants of ancient civilisation were best preserved; and where the highest regard was yet paid to the scholar, the jurist, the architect, the sculptor, the painter, and the musician, as superior to the mere soldier; where intellect was regarded as nobler than brute force. Many of those ecclesiastics whom we received from Rome, such as Archbishop Theodore and Abbot Adrian, were men distinguished, even southward of the Alps, for their learning and accomplishments; and the influence exercised by them in moulding the character of the incipient ecclesiastical institutions of the country has not been overrated by their eulogists. But Saxon England did not long continue dependent on Rome for the chiefs of her Church. A native clergy grew up here more speedily than in any other Transalpine country. Anglo-Saxons of every rank, including the wealthiest nobles and royal princes, devoted themselves to the clerical profession, and were found fully equal to the discharge of the duties which its highest offices were considered to require. But

these ministers of the English Church, though English born, looked to Rome with reverence and affection: and a pilgrimage thither, to receive the benediction and advice of the Supreme Pontiff, to contemplate the marvels of ancient art, and, above all, to worship before the reliques of martyred apostles, was one of the objects nearest and dearest to the heart of every Saxon ecclesiastic, whether bishop or deacon, whether abbot or simple monk. The laity shared in the same desire. Saxon princes and nobles, and Saxon ladies, were frequent visitors and devout adorers at the Roman shrines. Pilgrims of humbler rank and less ample means were assisted by the establishment and endowment of hostels in many places along the road for their entertainment and relief. Many of the Anglo-Saxon kings displayed their liberality in foundations of this description. The most celebrated of them was the Saxon school at Rome itself, which, according to some accounts, was founded by Ina, King of Wessex, who died at Rome in A.D. 728; according to others, by Offa, King of Mercia, who reigned from 755 to 794. This establishment, which comprised a church dedicated to St. Mary, and a burial-ground for the English, was designed for the relief of poor Saxon travellers, and also for the education of young Anglo-Saxons who were sent to be brought up and instructed at Rome.*

Reverence for Rome.

Frequency of pilgrimages.

The process, by which the establishment of Christianity in the various Anglo-Saxon kingdoms was effected, seems generally to have commenced with the conversion of the king, and the establishment of a bishopric co-extensive with the kingdom.† The bishop took the place in the royal court which the pagan

Usual process of conversion of a Saxon kingdom.

* Lappenberg, vol. i. 205.

† Kemble, ii. 360.

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high-priest had previously occupied. Some of the larger kingdoms were afterwards divided into several bishoprics. Kent, besides being the kingdom in which the intended primate archbishop of the whole island resided, had a bishop of its own, whose see was at Rochester. The place where the Saxon king dwelt (not always a city) became the place of the cathedral, of the chief church of the kingdom, and also of the cloister, where the bishop and the other missionaries who had accompanied him found shelter and safety. Thence they sallied out to preach the gospel and baptise converts in the villages and other districts. As the clergy obtained lands in various parts of each kingdom, churches were built on those lands, and a resident priest was stationed by the bishop in each of these churches, which thus became a fresh centre, whence the work of conversion and instruction might proceed. Wealthy landowners, who had been converted, were encouraged in the zealous liberality which many of them displayed in building and endowing churches, each on his own estate, for the spiritual benefit of himself, his servants, and dependents, and his neighbouring friends. There is also good reason for believing that when the great body of the inhabitants of each Mark (the ancient German name for the rural districts into which the country was sub-divided) was converted to Christianity, the old public building of the Mark, which had been used for the heathen worship, was consecrated as a Christian church, and that the lands and other endowments, by which the pagan priest and his assistants had been supported, now became the property of the Christian clergy.*

The number of district or parish churches in Saxon

* See Kemble, vol. ii. 423, *et seq.*

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England during the last half of the 8th century, and in the early part of the 9th century (before the country was devastated by the Danes) is considered by those who have most deeply studied the records of those times to have been very great;* greater than the actual number that are in existence at the present time, and of course far greater in proportion to the amount of population. Every church had its hostel for the reception and relief of the destitute and the wayfarer; and the Saxon clergy were strictly enjoined by their ecclesiastical canons to employ in these charitable uses a large portion of the wealth that was liberally poured upon the early church in this country, in tithes, in grants and bequests of lands, in other donations, and in the moneys paid by way of commutation for penance.† The cathedral of each diocese was a civilising and a charitable establishment on a still greater scale, as it was there that the principal clergy of the diocese resided, by whom was chiefly administered that portion of the ecclesiastical revenues which, as above mentioned, was considered in Anglo-Saxon times to be the sacred and appropriate fund for the relief of the poor and needy.‡

Great number of early Anglo-Saxon parish churches.

Their benefit to the poor.

Far more numerous in Saxon England than cathe-

* See Kemble, vol. ii. p. 511, where the word "tenth" in the third line from the foot of the page, is an evident misprint. See also p. 423 *et seq.* of the same volume.

† See the chapter on "The Poor" in Kemble's Saxons, especially pp. 505, *et seq.*

‡ "To the vicinity of the cathedral flocked the maimed, the halt, the blind, the destitute and friendless, to be fed and clothed and tended for the love of God. In that vicinity they enjoyed shelter, defence, private aid, and public alms; and as in some few cases the cathedral church was surrounded by a flourishing city, they could hope for the chances which always accompany a close manufacturing or retailing population. In this way the largest proportion of the poor must have been collected near the chief church of the diocese, in whose lands they found an easy settlement, in whose xenodochia, hospitals, and almshouses, they met with a refuge, to whom they

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drals were monasteries, and in them also the duties of hospitality to the traveller by land or by water, and of succouring the destitute and the afflicted, were solemnly recognised and heartily practised. Abuses grew up in all these things, as they will grow up in all things that are under human management. Without doubt the funds designed for the poor were not always honestly administered; without doubt laziness and hypocrisy were sometimes fostered among the recipients of relief. But we must look to general results. We must remember that the poor have ever formed and ever must form the majority of the population in every age and in every land. The nation is singularly happy which has no large number of its members in not merely a state of poverty, but in a state of grinding want and debasing misery. We must remember the indifference with which the pagan nations of antiquity regarded the sufferings of the slave, and even of such free men as were lowest in the social scale. This was especially the case with respect to those, who, from deformity or debility, were neither able to work nor to fight; the unserviceable incumbrances on the State, of whom it wished to be ridded as speedily as possible. Christianity taught that the most abject human being, whether bond or free, however much broken down by suffering, and even however much degraded by guilt, was a fellow-creature, whom it was the Christian's duty to pity, to love, to aid, to cherish, and to reclaim. I am speaking here of temporal benefits only; but even in a mere temporal point of view the blessings are incal-

Charity and brotherly love for the poor never heathen virtues.

Temporal blessings which Christianity obtained for the suffering masses.

gave their services, such as they were, and from whom they received in turn the support which secular lords were unable or unwilling to give: for the cathedral church, being generally a very considerable landowner, had the power of employing much more labour than the majority of secular landlords in any given district."—Kemble, vol. ii. p. 511.

culable which must have been conferred on a country of the old heathens when Christianity was established there.* And, unquestionably, the ecclesiastical institutions of the Anglo-Saxons were well-adapted for ensuring the general, the effective practice throughout the land of the greatest of the Christian virtues—that of Charity.

Progress of ecclesiastical learning.

The advancement of ecclesiastical learning, the study and the teaching of the Scriptures, and of the works of the Fathers, formed a duty recognised by all the clergy and all the monks of those times. With respect to the study of the heathen literature of Greece and Rome, of what we usually term the classics, the mediæval churchmen were less agreed. Some held it to be not only unnecessary but sinful for a Christian man to devote his mind and time to pagan profanities. But it is certain that manuscripts of the great intellectual masterpieces of antiquity were preserved and multiplied in some monasteries; though in others the words of the pagan philosopher or poet were often erased from the parchment in order to make room for a saintly legend or a patristic homily. There is also clear, definite proof that many of the early ecclesiastics in Saxon England, Adrian, Aldhelm, Bede, Alcuin, and others, were scholars eminent and earnest in almost every branch of literature then known to exist. This was especially the case with Archbishop Theodore. Theodore, though he had been a monk at Rome for some years before Pope Vitalian sent him to this island, was of Greek origin, born at Tarsus in Cilicia. He promoted the study of both Greek and Latin here

* The single boon of the Sunday's rest to the labouring classes, especially to the serfs, must have been inestimable. "Sunday was hallowed by law. The slave who worked on it by his lord's command was set free, and the lord paid a fine."—Milman.

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with the greatest zeal. He brought instructors familiar with those languages, and he founded a school for teaching them at Canterbury, and enriched it with a library of the works of the most celebrated writers, which is especially mentioned to have included a remarkably beautiful copy of Homer.

Study of Roman law.

The connection between the Anglo-Saxon Church and Rome, and the increasing frequency of appeals from ecclesiastical decisions given here to the tribunal of the Pope, caused many of the Saxon clergy to pay great attention to the study of the Canon Law, which led to some knowledge of the Roman Law, by which the Canon Law is, to a considerable extent, regulated. There is indeed clear proof that one Anglo-Saxon ecclesiastic at least was competent to give instruction in the Roman Law itself; and that he wrote a treatise on the subject.* When we consider that the Anglo-Saxon prelates formed an important part of the Witan, the great council of each Saxon realm; and that, soon after the introduction of Christianity (but not before that epoch), Anglo-Saxon kings began, with the advice and by the aid of their Witans, to compile and to promulgate codes of law, we shall understand the influence which the chief ecclesiastics must have exercised, and the important services which they must have been enabled to render in the work of legislation, through their having received some amount of legal training, and having acquired some knowledge of the principles of Jurisprudence.

The science of astronomy (that is to say, of "the old traditionary astronomy derived by the Romans from the Greeks, and as supposed to be authorised and determined by the language of the Bible"†) was

* Bishop Aldhelm. See Lappenberg, vol. i. pp. 202 and 264.

† See Milman, Hist. Lat. Christianity, vol. ii. p. 93, and the note.

deeply studied by the more learned among the Anglo-Saxon clergy, and some acquaintance with arithmetic was more generally to be found among them. Whatever little knowledge of medicine and surgery existed in those ages, was generally acquired in the studious leisure of the cloister, and it was almost only from the neighbouring priest or monk that the sufferer under disease or casualty could look for aid,* however high might be his rank, and however ample his wealth.

State of scientific knowledge.

Paintings representing sacred subjects were brought from Rome and placed in our churches as early as 678, and the sacred music of organs and of quires of singers trained to the Gregorian chant, and to the other church services of the early ritual of Italy, was certainly well known here in the beginning of the eighth century Perhaps the art, as to which Saxon England was most indebted to her early Christian clergy, was that of Architecture. The pagan Saxons raised only wooden edifices. The only Saxon word for "to build," is Getimbrian. They had no idea of using other material than timber for either their houses or their temples. Archbishop Paulinus, Bishop Wilfrid, and others of the clergy, brought skilled workmen here, who taught the Anglo-Saxons how to build with stone, how to use lead for roofs, and glass for windows. The knowledge thus acquired was first employed for sacred buildings only, and was always most liberally and earnestly exerted for ecclesiastical purposes; but it was gradually applied to improve men's homes as well as their churches; nor should we overlook the social advantage of considerable numbers of the population being thus trained and employed in handicrafts, which require and encourage mental ingenuity as well as mere manual dexterity and strength;—of a class of

Painting.

Architecture.

Classes of skilled artisans called into existence.

* See Kemble, vol. ii. p. 433.

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655—800.

skilled artisans being thus called into existence from among the labouring orders.

But even in what is commonly thought the humblest, though it is the most needful of all toils—the tillage of the ground—the country was deeply indebted to the clergy of those times. The lands of the churches, and of the monasteries, offered the best specimens of cultivation. Labour in the field was among the monastic duties recognised and enforced in many, though not all, of these institutions. Whatever agricultural science had been preserved from the classical ages; whatever knowledge was, from time to time, acquired by observation and experience, was there treasured up and put to practical use. The superiority of the clergy to the rest of the community, in what now would be termed botany and horticulture, was still more decided. It was almost exclusively in the garden of the convent or the cathedral, or in the little close near the parish church, that the tender fruit or vegetable from foreign climes, or the medicinal herb, was carefully sown and skilfully tended. Altogether, the period of nearly two centuries, which passed between the general establishment of Christianity in Saxon England, and the devastation of the country by the Danes, appears to have been a period of improvement and prosperity in the land; and the land was principally indebted for that improvement and prosperity to her Church and its institutions.

Tillage.

Beneficent exertions and influence of the clergy.

We may speak without anachronism of an English Church as existing for the greater part of this period, though the country was still divided into several independent kingdoms, each of which had been separately Christianised, and in each of which a bishopric, coextensive with the kingdom, had originally been established. Archbishop Theodore, to whose services in the

The Early English Church.

advancement of learning in this island attention has already been directed, effected the union of these various ecclesiastical institutions. He was the first prelate whose authority all the Anglo-Saxon clergy consented to admit, and whom they recognised as Primate of the whole land. From his time forth the bishops, at least the bishops of the province of Canterbury, which comprised by far the largest and most important part of the country, assembled periodically in synods, under the presidency of the Archbishop of Canterbury, as their Metropolitan, for purposes of general ecclesiastical legislation and church government, without distinction as to the kingdom from which the bishops severally came.

Thus, Saxon England was one Church before it was one State. But the influence of union in ecclesiastical matters must have been great in promoting the civil and political union of the Saxon kingdoms under a single ruler, which we shall trace in the following chapter. But, before we conclude this notice of the clergy of the Heptarchy, the names of some of them should be recorded, who were eminent as missionaries abroad, and as converters of the previously heathen nations of the Continent. The most illustrious of them all is Boniface, the Apostle of Germany, whose original name was Winfrid, and who became a monk in a monastery at Exeter about the year 700. Although by this time the German warriors, who left Germany and settled as conquerors in the Western Roman Empire, had been almost universally converted to Christianity, their kinsmen, who had remained behind in the German Fatherland, were still worshippers of Odin; and all Europe, eastward of the Rhine, was profoundly pagan, when the Exeter monk, having first gone to Rome and obtained the sanction of Pope

English missionaries in the pagan parts of the Continent.

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Gregory the Second, entered the long-dreaded forests of ancient Germany, as a denouncer of the old superstitions and as a preacher of the Gospel. During an active missionary career of thirty-five years, Boniface, effectively aided by other volunteers from England in the good cause, taught Christianity, founded churches and monasteries, established bishoprics and orderly church government in Thuringia, Hesse, Bavaria, and Friezeland. He was Archbishop of Mentz and Primate of all the converted parts of Germany, when he was martyred A.D. 754, by a band of Frisian heathens. Among other Englishmen who successfully devoted themselves to the conversion and civilisation of their Continental kinsmen, were Willibald, the first Bishop of Friezeland, Adalbert, Bishop of Utrecht, Williband, the first Bishop of Bremen.

English scholars invited and favoured by Charlemagne.

The last-mentioned Anglo-Saxon Missionary Prelate is also distinguished as the friend and fellow-student of Alcuin of York, who was the most renowned scholar of his age; and who was invited by Charlemagne to organise, to superintend, and to carry out the great schemes which that monarch meditated, for the education of his subjects, both lay and clerical, and for the advancement of the sciences in his dominions. Alcuin fixed his permanent abode in France, where he was held in such high honour and exercised such influence, that a modern historian has fitly termed him "the intellectual Prime Minister of Charlemagne."

Many Anglo-Saxons, laymen as well as ecclesiastics, frequented the court of the great Sovereign of the Franks. Among them was a young prince of the Royal House of Wessex, named Egbert, who, after an unsuccessful attempt to obtain the crown of that kingdom, had been driven into banishment, but who was soon to return to our island, and not only to

become King of Wessex, but also to be the effective ruler of all Saxon England. But now that we are closing the scene of the Heptarchy, and are about to commence a new era in our history, we may advantageously pause, and first take a brief survey of the condition of the European States and their chief neighbours at the close of the eighth century, the epoch when Charlemagne was crowned Emperor in Rome, and when Egbert returned from exile to be a King in England.

CHAPTER IV.

State of Europe in the age of Egbert and Charlemagne—Frankish power: its growth and extent—Warfare against pagan Germany and the Mahometans—Rise and progress of Mahometanism—Its effect on the institutions of Christendom—Charlemagne's empire—Egbert's training in the court and camp of Charlemagne—Egbert's return to England as King of Wessex—He acquires supremacy over the other Anglo-Saxon States—The Danes, their character, institutions, and influence of the Danish element in the English nation—The Saxons nearly crushed by the Danes:—Rescued by Alfred: his great and good genius—Prosperity of England under his son and grandson—Glories of the reign of Athelstan—Wretched state of continental Europe.

THE powerful confederation of German warriors, called Franks, had, about three centuries before the time of Egbert and Charlemagne, acquired a decided superiority over the other Germanic occupants of Gaul, as well as over the Gallic provincials.

State of continental Christendom.

Their king, Clovis (who reigned from A.D. 481 to A.D. 511), extended his rule over nearly the whole of Gaul; and he may be regarded as the founder of the French monarchy, though it was repeatedly subjected to temporary dismemberment, and though the country was not known by the collective name of Francia till a much later period. The frequent dissensions and wars between his successors and their brethren weakened, for a long time, the power of the Frankish nation; but providentially for France and for Christendom generally, a new race of vigorous rulers had arisen by the commencement of the eighth century able to cope with the formidable enemies who were

advancing along the Rhine, and threatening over the Pyrenees. These new rulers were the Dukes of the Austrasian Franks, the bravest and most Germanic part of the nation. They claimed and maintained a hereditary right to the office of Mayor of the Palace, and were the real masters of the imbecile kings, whom they pretended to serve. They successfully opposed the fierce and repeated attempts, which the unconverted tribes of Germany made during the eighth century, to force their way across the Rhine, and to conquer and despoil their kinsmen, the Christianised and partly civilised Franks, who were now beginning to be blended with the Gallic provincials into a new people, which in after ages was to be renowned as the French. A still greater service was rendered by one of these new rulers of the Franks, Charles Martel, A.D. 732, when he defeated and drove back the Saracens, the Mahometan conquerors of Spain, who, but for his energy and success, would in all human probability have poured their hosts over the rest of Europe as triumphantly as they had overthrown the Gothic kingdom in the Spanish Peninsula.

Saracenic invasions checked.

England was never approached by Saracenic arms; but we cannot understand the history of our country as part of European Christendom, if we pay no regard to that remarkable phenomenon in the history of the world, the rise and rapid progress of Mahometanism, and the effect produced on the religious, the political, and the social institutions and feelings of the Christian nations of Europe by the long and terrible struggle between the armies of Islam and the champions of the Cross.

Importance of attending to the rise and early progress of Mahometanism.

Mahomet, the founder of the new faith, died in A.D. 632. Before his death, he had made himself both temporal and spiritual lord of his native country,

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Arabia; and within a century after his death his followers had conquered Syria, Persia, Egypt, Northern Africa, and Spain. The name of Mahomet was invoked in prayer from the Pyrenees to the Oxus, and a multitude of Mahometan populations had been formed, who all revered the Koran as the book of divine and human law; and who glowed with the spirit of the martial texts, that command the true believers in the Prophet to wage unceasing warfare against the infidels; that promise to the valiant the lands, the wealth, the women of the conquered, as a reward in this world, and eternal happiness in the world to come; that teach the warrior to love battle for its own sake, and tell him that "In the shade of the crossing scimetars there is Paradise." What survived of Christendom was assailed by these fierce enthusiasts along all the coasts of Italy and Southern Gaul, as well as on the Pyrenean and Syrian frontiers.

Christianity becomes military in self-defence, afterwards in reprisals and in conquests.

It has been well shown by Milman * how this constant menace and pressure of the Mahometan arms made the Christianity of nations who opposed those arms, a religion, first of defensive warfare, and afterwards of reprisals and conquest. When once the spirit of war for religion's sake, of forcible resistance to forcible conversion, and of forcible conversion of others whenever practicable, had entered fully into men's hearts, as an impulse to the performance of a holy and patriotic duty, this spirit was sure not to limit itself to religious hostilities against Mahometanism, but to urge the warriors of Christendom against infidels of every kind; against the worshipper of Odin or Zernebok, as well as against the followers of the Arabian Prophet; against German and Sclavonic, as

* History of Latin Christianity.

well as against Saracenic misbelievers. Another result of this spirit was to strengthen the bands between the temporal and spiritual rulers of Christendom. The Sovereign sought sacerdotal sanction and co-operation in his political and martial projects; while the Prelate and the Pope regarded secular power and physical force as natural and proper instruments for the accomplishment of spiritual purposes. There was yet another powerful, though indirect influence, which the rise and progress of Mahometanism exercised on Western Christendom. The Mahometans owned one Caliph, one supreme chief in religious and in secular authority. There might be schisms and civil wars among them as to the genuineness of particular Caliphs, but the doctrine of unity of rule was upheld by them all as a vital principle of polity and faith. The divided and imperilled Christians of the West thought that it behoved them to meet this pontifical and imperatorial organisation of their great adversaries by one equally vigorous and effective. They did not indeed seek to combine supreme kingship, supreme generalship, and high priesthood in the same person; but the apparent need of singleness in command favoured materially the growth of the Papacy as the supreme authority in the Church, and the revival of the imperatorial office as the supreme authority in the State.

Growing connection between the temporal and the spiritual potentates in Christendom.

Charles Martel's son, Pepin le Bref, formally deposed the last Merovingian king, Childeric, with the sanction of the Pope; and was himself crowned King of the Franks by the Papal Legate in 752. Pepin le Bref's renowned son, Charlemagne, assumed a far higher dignity, and on the Christmas Day of the year 800, was crowned at Rome by Pope Leo the Third, and proclaimed "Cæsar Augustus, the great and pacific Emperor." The intimate connection that had always existed

The "Empire" formally revived.

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800.

between the Frankish Sovereigns and the Roman Pontiffs, had been much strengthened by the frequent need which the Popes had been under during the eighth century of calling in the aid of these Transalpine kings against the powerful nation of the Langobardi, or Lombards, who occupied Northern Italy and pressed hard upon Rome and the adjacent districts. The Popes had now thrown off all allegiance to the Emperors of the East, the Greek Emperors, as they are usually, though not quite accurately, termed by modern writers. Henceforth the Roman clergy recognised the new Cæsar of the West and his successors as temporal chiefs of "The Holy Roman Empire;" however much Emperors and Popes might quarrel with each other as to their own relative superiority.

Truly Imperial grandeur of Charlemagne.

The dominions of Charlemagne were not unworthy of the imperial name. He had conquered, and had forcibly converted to Christianity and civilisation the greater part of Germany. Nearly all Italy owned him as sovereign of the State; and southward of the Pyrenees he had driven back the Mahometan powers, and established his authority as far as the Ebro. Throughout this mass of provinces, from the last-mentioned river to the Elbe and the Saale, Charlemagne established an orderly and firm government. Cities were built; agriculture and commerce were promoted; justice was vigorously administered. Schools and colleges were founded; and learned scholars and teachers were encouraged by rewards and honours.

Egbert, Prince of Wessex, is trained up in the court and camp of Charlemagne.

It was in the court and camp of this great sovereign that Egbert passed thirteen years of his youth and early manhood (from 787 to 800), while banished from Wessex by King Brihtric. Egbert must have learned statesmanship as well as soldiership from Charlemagne, and the example of the Frankish mo-

narch in consolidating as well as in extending power was not lost on the Saxon prince. The death of Brihtric in 800 left Egbert the sole lineal representative of the royal house of Cerdic; and the nobles of Wessex now invited him to return and to reign in his native land. Under his vigorous sway the ascendancy of Wessex over the other Anglo-Saxon kingdoms became firmly established; and before his death, in 837, Egbert was paramount ruler over all the states that had formed the old Heptarchy. There is, however, no satisfactory evidence that he ever assumed the title of King of England, or King of the English; and, though the supremacy of Wessex was acknowledged, the inferior kingdoms long continued to have princes and kings of their own, who governed them in subordination to the royal house of Wessex. Still it is clear that the general body of the Anglo-Saxon populations of the island acquired under Egbert an amount of unity and common nationality, such as had been unknown before; and there is no substantial inaccuracy in adopting the common phraseology of modern writers, who have termed Egbert the founder of the English monarchy.

He becomes king of Wessex, and the most powerful of the rulers of England.

But, at the time when the Anglo-Saxon conquerors of this island were thus beginning to be consolidated into one nation and one State, they were assailed by a new race of conquerors, who threatened to crush the Saxons as completely as the Saxons had crushed the Romanised Britons whom they found here.

Incipient consolidation of the Anglo-Saxons checked by the attacks of the Danes.

These invaders, who made the third great element of our modern English nation, were the warriors of Scandinavia, the general name of the great peninsula of North-eastern Europe, and of the islands and small peninsula at its south, which now make up the kingdoms of Norway, Denmark, and Sweden. The Anglo-

Sketch of the ancient Scandinavians.

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800—837.

Saxon chroniclers generally speak of the Scandinavians who attacked our island as Danes; the French writers give the title of Normen (men of the north) to the Scandinavians who ravaged the continental part of Western Europe; and in the early Irish writings the Scandinavian conquerors who settled in Ireland are termed Ostmen, that is, men from the east. Scandinavia, at the time when her warlike population became the terror of Western Europe, was subdivided into many little kingdoms and principalities; and it is probable that each leader of a piratical fleet filled up the crews of his ships with adventurers from any part of the countries, where the Scandinavian tongue was spoken, and the old pagan faith retained. A feeling of common nationality seems to have existed among all the hosts and bands of the Northern sea-rovers. It was very rarely that they turned their arms against each other; and one of the highest authorities on the history of the period, Sir Francis Palgrave, has expressed a belief that the pirate-warriors conducted their enterprises in the last half of the ninth century against the Gauls, the British islands, the coasts of the North Sea, of the Channel, of the Atlantic, and even of the Mediterranean, as one people, on one vast scheme of predatory yet consistent invasion.*

Free institutions of the Danes.

There was a close original affinity between the Scandinavians and the ancient Germans. Their languages were branches of the same stock; and the political institutions of the Danes and other Northmen were as free and as popular as those of the Germans, which they generally resembled. Like the Anglo-Saxons, the Scandinavians chose their kings from

* History of Normandy and England, vol. i. p. 319.

among certain families, which were believed to be descended from Odin. The free warriors of the State assembled at the Tings (as the popular assemblies for both elective and judicial purposes were called), selected or confirmed the new sovereign, who was then elevated on the shields of the noblest warriors, amid the clash of arms and approving shouts of the people. The king was regarded as the natural leader of the national force on great occasions, but the independent warriors, who had given him his title, often thought fit to follow chiefs of their own choice on particular expeditions. Without the consent of the assembled freemen in the Ting, the king could not make a law, or levy a tax, or raise an army. Besides these general assemblies, each Scandinavian State had its meetings of the freemen of each district for matters of local self-government; and each State was for this purpose subdivided into hærads, or hundreds, identical probably in their nature with the hundreds of the primitive Germans, which have been already described.* As brave on land as was his Teutonic kinsman, the Dane† far surpassed the Teuton in adventurous love of the sea, and in boldness of maritime enterprise, sometimes as a merchant or peaceful colonist, but more frequently as a plunderer and a conqueror. Led by their Sea-Kings, younger sons of royal houses, whose palace was the battle-ship, and whose heritage the sea, the Scandinavian warriors swept every European coast during the ninth and tenth centuries, often fixing themselves as lords and masters on the fair lands which they had overrun: and it is up to them that

Danish buccaneers and conquerors.

* See *supra*, p. 92.

† For dealing with these times I follow the common practice of using the words "Dane" or "Northman" as synonymous with "Scandinavian."

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many a royal and noble pedigree in almost every part of Europe still is traced.

They clung to the martial creed of Odin with even fiercer enthusiasm than the primitive Anglo-Saxons had once displayed. War, especially war by sea, was the favourite occupation in which a Danish freeman sought to live, and in which he prayed to die.

Danish civilisation.

But it would be grossly erroneous to suppose that ferocious valour was the only merit of the Danes; and that their armies were mere bands of barbarous buccaneers. Women in Scandinavia were regarded with honour, and often with chivalrous devotion. The country's laws, as freely administered by freemen towards freemen, were generally respected and obeyed. The Danish warrior delighted in poetry,* and held in high esteem both the minstrel's art and the minstrel's person. The skilful miner and the dexterous worker in metals were highly valued by him; but the able shipwright ranked higher still. Laws were established for the protection of merchant vessels. It is certain that the Danish settlements in Ireland, at Dublin, Waterford, and other sea-ports, were the seats of important commerce; and there is proof that Scandinavian traders carried on an extensive traffic with the far East, through Russia, and the great rivers of central Asia.† We read of the Danes appearing in England and in France only as destroyers and conquerors: but we must remember that our information

* The most vaunted accomplishments of a Scandinavian hero were:—that he should sit a horse well, that he should skate, should be a marksman with the bow, that he should be a good oarsman, a skilful smith, a hard drinker, and a poet.

† For further information as to the Danes, see Crighton's Scandinavia, vol. i. chap. iv.; Warsaae on the Danes and Northmen in England, Scotland, and Ireland; Mr. Laing's translation and edition of Snorre Sturrleson; and an article (by Sir Francis Palgrave) in the 75th number of the Edinburgh Review on the Ancient Law Courts in England.

as to the deeds of the Danes in these countries is derived almost exclusively from monkish chroniclers. The full storm of Danish warfare was let loose with all its horrors on the monasteries and similar institutions; and the terrified ecclesiastics, though they would know too well the slaughter and spoliation wrought by the pagan pirates, would have little means for ascertaining, and less zeal for recording, what the Dane may have done in other parts of the land as a trader, as an artificer, as an explorer.

Still, after every possible allowance for probably accompanying advantages, we cannot doubt that the inroads of the Danes into Saxon England caused an almost incalculable amount of misery and waste. Their first recorded attack upon this island was in 787. For about forty years after that date their plunderings here were not frequent nor important; but, during the last five years of Egbert's reign, almost all the annals mention a battle with the Danes; and the narrative of what the Saxons suffered from them, makes up the greater part of the Anglo-Saxon chronicles thenceforth (with brief intermissions) until the year 1066, when our last Saxon king, Harold, destroyed the last army of Scandinavian invaders at Stamford Bridge, a few weeks before he himself perished at Hastings.

Danish influence on England.

The Danes not only fought and generally conquered here for more than two centuries, but they also settled here in far greater numbers, and have influenced our national career to a far higher degree, than has generally been observed. It was especially in our north-eastern counties that the Danish population was thickly planted, and displaced the Saxon. The philologist can point out, with singular accuracy, the parts of this island where the Danish occupancy was strongest. The enduring proofs of it are the variations from the Anglo-

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837—849.

Saxon forms in the terminations of the names of places and persons.* There is much in our Scandinavian ancestry to be proud of; and we owe to it, probably, much of our love for a seafaring life, of the propensity to adventurous voyaging and distant colonisation, and of that commercial activity, as well as of that pre-eminence in maritime warfare, which are such remarkable and such valuable characteristics of our English nation.

Danish settlements.

Egbert made a vigorous resistance to the Danes, and generally succeeded in repelling their attacks upon England during his reign, though he more than once suffered defeat in his encounters with these new enemies. His son and successor, Ethelwulf (837—858), strove, on the whole, well against them; but their incursions grew more and more frequent; and in 855 a Danish host, instead of returning to Scandinavia with their plunder after a brief foray, took possession of the Isle of Sheppy, where they passed the winter. From this time forth the Danish leaders sought to effect permanent conquests in our island; as well as to slay and spoil the Saxons, though the savage spirit of their warfare was long unabated.

Ethelwulf's four sons reigned in succession after him. The first three—Ethelbald, Ethelbert, and Ethelred—struggled with varying but mostly evil fortune against the invaders. It was reserved for Ethelwulf's fourth son—King Alfred—to rescue his countrymen from utter destruction, and to win prosperity and glory for Saxon England.

It is with just pride and rational pleasure that we

* The termination in *by* of compound names of places, marks Danish predominance. *E. g. Derby, Grimsby, Ormsby.* The Saxon (or German) termination would be *ton.* The termination *son* to names of persons, as in *Adamson, Nelson* (*i.e., Niel's son*), is supposed to show a Danish pedigree.

pause to contemplate this early hero of our race, the best and bravest man that ever wore a crown, the noblest and the purest of the long train of England's worthies. Alfred the Great was born at Wantage, in Berkshire, on the 29th of October, in the year of our Lord 849. His mother was named Osburga, and the old chroniclers describe her as "a religious woman, noble both by birth and by nature." He was the youngest of King Ethelwulf's and Osburga's children, but at a very early age he was distinguished as a child of promise above his brethren. A story is told of him by some of his biographers, which proves how soon his inquiring and persevering disposition manifested itself. He had grown up to about six years old without having been taught his letters. But one day he and his brothers were playing round their mother, who was reading a book of Saxon poems. The volume was richly ornamented, and the initial letters of its pages were illuminated and brilliantly coloured. The beauty of the book caught the children's attention, and Osburga held it out for them to look at, and said:

Alfred England's liberator.

Alfred's childhood.

"Whichever of you children will first learn by heart what is written here, and repeat it to me, shall have the book."

Little Alfred stepped up before his brothers, and eagerly said to her:

"Will you really give it to whichever of us learns it quickest, and says it by heart?"

Osburga smiled with pleasure, and said, "Yes, I will."

Alfred immediately took the book from her hand and went to a teacher; who either by instructing him to read it, or by repeating it over to him, or by both processes, enabled him to master its contents. As soon

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855—866.

as Alfred knew them thoroughly by heart, he took the volume to his mother, repeated the poetry to her, and received back the book as his reward. This is, I believe, the earliest prize-book that history mentions, and the scene is also the earliest view that we gain of the domestic life of an English royal family.*

The visit to Rome.

While still very young, Alfred was sent by his father with a splendid retinue to Rome, and he was there received with kindness and honours by Pope Leo IV., who solemnly anointed him as Prince Royal of England, and treated him as his own adopted son. There is reason to believe that Alfred remained for a considerable time at Rome, and that he was already there at the time of a visit made by his father Ethelwulf to that city in 855. Though a mere child at this period, Alfred may probably have acquired in Rome abiding influence and inspirations from the monuments of ancient glory; and he may have watched with unforgetting enthusiasm the living example which Leo IV. exhibited, in his contests against the Saracens, of how much the personal energy of a ruler may effect in rescuing both Church and State from destruction by pagan invaders, and in reviving the splendour of civilisation in a desolated and half-barbarised community.

Its probable influences on the Royal boy.

Alfred's youth and early services in England.

As Alfred, after his return to England, grew towards manhood, he was actively employed in State affairs under his father and his brothers; and when his immediate predecessor, Ethelred, was on the throne, Alfred held a rank which his biographer terms that of "Secundarius." We may probably express its equivalent meaning by saying that he acted as Lord-Lieutenant of the Realm. The pressure of the Danish arms upon England was now rapidly increasing. In

* There are several variations in the old narratives of this incident. I have selected and combined their most probable points.

867, within a year from Ethelred's accession, an armament of Northmen arrived of power sufficient to effect the conquest of the entire island, and guided by chiefs who seemed to have no less an aim. The most conspicuous for prowess and skill among the leaders of this great Danish expedition against Saxon England was styled by his countrymen "Gorm-hin-rige," which means "The mighty Serpent." The name Gorm has been variously transmuted by our chroniclers into Gormond, Codrinus, and Guthrun; the last being the appellation by which the great adversary of our great king is commonly known in history.

The Danish serpent nearly crushes Saxon freedom.

The Danes first made themselves thoroughly masters of East Anglia, compelling the submission of the remnant of the Anglo-Saxon population. In the year after their occupation of East Anglia they marched into Northumbria, which also they effectually subdued. They then turned their arms against the central state of England, and after some obstinate conflicts Mercia was made a Danish province. Wessex, which alone remained unconquered, was attacked by them in 871. King Ethelred, valiantly seconded by his brother Alfred, fought with them at Reading, at Ashdown, at Basing, and at Merton. The impetuous bravery of Prince Alfred gained a victory at Ashdown; in the other three battles the English were defeated with heavy carnage. Ethelred died in the same year; and when Alfred (now at the age of twenty-two) was called to the throne, so gloomy were the prospects of the Saxons that we may well believe the statement of the old chronicler, who says that the prince assumed the royal office with sadness and reluctance, "for he did not think that he alone could sustain the multitudes and the fierceness of the pagans."

Accession of Alfred to the throne.

Deep gloom of England.

His reign began inauspiciously with a defeat at

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872—878.

Wilton. Without entering into the details of his campaigns, we may form some idea of the state of England at this time from the simple words of the Saxon chronicler, who thus narrates the events of the year A.D. 872:—

"Then Alfred, the son of Ethelwulf, succeeded to the kingdom of the West Saxons. And about one month after this, King Alfred with a small band fought against the whole army at Wilton, and put them to flight for a good part of the day; but the Danes had possession of the place of carnage. And this year nine general battles were fought against the army in the kingdom south of the Thames, besides which, single *ealdormen*, and king's thanes, oftentimes made incursions on them, which were not counted; and within the year nine earls and one king were slain. And that year the West Saxons made peace with the army."

The peace with the Danes, which the chronicler here speaks of, was no more than a truce, by which Alfred obtained a short respite for Wessex. The Danes retired eastward, and made London their head-quarters. Wessex was spared for a few years, during which they extended and secured their conquests in the rest of the island. In 876, 877, and 878 they attacked Wessex again. Alfred appears to have been ill-supported by his subjects; while the leader of his enemies, Guthrun, showed no slight skill as a general, and was zealously followed by his now veteran warriors. Guthrun surprised and forced the Saxon lines at Chippenham, which was then a royal city and a place of considerable strength. He made this his base of operations; and thence (to use the words of the old chronicle,) "the Danish army overran the land of the West Saxons, and sate down there; and many of the people they drove beyond sea, and of the remainder

the greater part they subdued and forced to obey them, except King Alfred." CHAP. IV.

Some of the old writers mention blemishes in Alfred's character during the early part of his reign, which may in part account for their want of zeal in his behalf at this season of peril. He is said to have shown haughtiness and impatience, when suitors for justice, and petitioners for redress of grievances, approached him. The vehemence of disposition which gained for him in the Saxon camps, while a mere lad, the surname of "The wild boar of the battle," and which made him in the chase the keenest and most daring of hunters, may, before experience and sorrow taught him self-control, have made him hasty in demeanor, and petulantly negligent of the dull routine of official duty. But if we adopt all that is asserted by old writers, and even all that is insinuated by some modern writers, against the character of Alfred in his youth, we should find reason to admire him the more when we take him for all in all, and review the whole, instead of an exceptional part, of his career. Such tales serve to show that Alfred had strong passions to subdue, and that he did subdue them. For we know beyond all doubt that in his manhood he was pure and gentle and enduring; and we know that he maintained this evenness of soul notwithstanding the frequent attacks of agonising and debilitating bodily disease. 872–878. Faults of Alfred's early character.

There is a little tract of land in Somersetshire between the rivers Thone and Parret, and near to where they intermingle, which in Alfred's time had the additional natural barriers of frequent brooks and morasses round it, so as to be almost an island. Here Alfred took shelter; and the spot is still known as Athelney, which means, in Saxon, "Isle of the Alfred's place of refuge.

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Noble." A jewel, with an inscription on it recording that it was made for King Alfred, was dug up here about 170 years ago, and is still preserved in the Ashmolean collection at Oxford. It corroborates the statement of the old chroniclers, that Alfred made this locality his place of refuge—sometimes wandering about in disguise; sometimes, at the head of a few devoted adherents, sallying forth to despoil the Danes or the renegade Saxons of the neighbourhood.

Alfred in the neat-herd's cottage.

Alfred, in the subsequent and more prosperous part of his reign, used to tell his friends how once at this season he was obliged to take shelter in the cottage of one of his neat-herds; and how one day his host's wife, who did not know him, ordered him to watch some cakes which were being baked on the hearth. The king, who was trimming his bow and arrows at the time, soon forgot his new task, and was roused from his reverie by the loud rating of the goodwife, who told him that as he was always so ready to eat her fare when cooked, he ought to have more care in saving it from being spoiled in the cooking.

The war of Independence renewed.

The West Saxons soon grew weary of their Danish masters, and eager to rise against them. Alfred's faults were forgotten, while his valour and kingly spirit were freshly remembered. More and more followers joined his band. The war was renewed, and in a great battle fought at Ethandun (878) Alfred restored Wessex to independence. His sage and brave opponent, Guthrun, saw the prudence of securing the ample conquests in the north and in the east of England which the Danes had previously made, instead of risking all in further attempts to subjugate the southern and western districts. Guthrun appears also to have appreciated the superior civilisation of the Anglo-Saxons, and to have resolved to impart it as

Guthrun and Alfred negotiate.

far as possible to his own countrymen. He and his followers became Christians, Alfred himself being godfather to the Danish chief. It was agreed that the converted Danes should remain in possession of all the land to the north and to the east of a boundary line drawn along the north bank of the Thames from the sea, then up the river Lea to its source, then right up to Bedford, and then up the Ouse to and along the old Roman road called Watling Street. The ample territory thus ceded to the Danes was called the Danelage. Some degree of paramount sovereignty over it was understood to remain in Alfred, but this was studiously left undefined. Guthrun was practically a sovereign; and it was not until the reign of Alfred's son and successor, Edward the Elder, that the Anglo-Danes and Anglo-Saxons throughout England can be said to have been united under a monarch of the House of Cerdic.

The Danes converted.

Division of the land.

Guthrun lived about eleven years after his treaty with Alfred, and during that period England was little harassed with Danish wars. The other renowned chiefs of the Scandinavians,—Rolf, Godfrey, Siegfrid, Osketyl, and for a long time Hastings,—preferred plunder and conquest in the feeble and disunited realm of France, to an encounter with the well-organised forces of "England's Darling," as Alfred was fondly styled by his subjects after his deliverance of them from foreign oppression. The land, though not wholly unvexed by marauding squadrons, or by strife between Anglo-Dane and Anglo-Saxon, had a season of comparative rest; and during this calm the great Saxon King was unremittingly active in strengthening the national defences. He built fortresses at the principal harbours, and along the other parts of the coast where an enemy was likely to dis-

Alfred, "England's Darling."

The land has rest.

In peace he prepares against war.

CHAP. IV.

878—894.

embark. He took especial care that the inhabitants of these places should be supplied with arms, and trained how to use them. Ruined towns and cities were rebuilt and fortified; and the highways and bridges were effectually repaired. While thus preparing on land against war, Alfred saw clearly the importance of availing himself of England's first and best natural defence, the sea. He sedulously applied himself to the creation of a maritime force that might cope with the Scandinavian Sea-Kings on their own element. In framing his fleets, he did not merely imitate those whom he wished to conquer, but he built ships superior in height and scantling to those which the Danes were in the habit of using. A nation that has long neglected maritime warfare cannot supply crews, as readily as its forests may supply ship-timber, and Alfred collected experienced seamen from Friezeland, whom he joined to his new levies of Saxon sailors.

He founds the English navy.

Alfred as a lawgiver.

To secure his country from foreign enemies was naturally Alfred's earliest care; but it was far from being the sole object of his reign. He strove with equal solicitude to give his subjects the blessings of domestic order and good government. He was a wise ordainer of laws for his people; not introducing many novelties, but selecting and remodelling, with skill and prudence, the best portions of the old familiar laws of the land. In the conclusion to the collection of laws which he issued, he says of his own legislative labours: "I, King Alfred, collected these things [the decisions of ecclesiastical councils and of the assemblies of wise men,] and I ordered them to be written. And many things which my predecessors had held, and which pleased me, I retained; and many, which displeased me, I rejected, by the advice of my wise

men; and commanded to be observed otherwise. But I was unwilling to interpose much of my own, because we know not how far they may please posterity. But what I found existing in the days of King Ina, my kinsman, or of Offa, the King of the Mercians, or of Ethelbert, who was the first baptised king in the nation of the Angles, whatever of these appeared to me most equitable I collected, and rejected the rest. And I, Alfred, King of the West Saxons, showed these things to all my wise men, and they said, 'Let them be observed.'"

As an administrator of law.

Besides ordaining good laws, Alfred provided carefully for the equally important matter that the laws should be ably and honestly administered. He was patient and painstaking to the utmost in hearing and deciding the numerous causes that were brought before him by way of appeal from inferior tribunals. He was very careful in the selection of judges, and watched their conduct with unremitting attention. When judicial errors were committed through corruption or malice, he punished the offenders with unsparing severity. Sometimes the judges, whom he called on to account for their wrong sentences, excused themselves on the ground of ignorance of the law. This excuse met with just and stern rebuke from the King, who was wont to say to such incompetent magistrates, "I wonder at your great rashness, that you who have taken from God and myself the office and dignity of Wise Men, should have entirely neglected the studies and the conduct of the Wise. Therefore either resign your offices, or train yourselves, as I desire, more zealously in the study of wisdom."

Undying gratitude of England to Alfred.

English writers, who lived long after the time of Alfred, have ascribed to him the division of our country into shires, hundreds, and tithings, and have called him

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the founder of trial by jury, of frank-pledge, and of other national institutions. All this is wholly unwarranted by any good historical evidence; but the fact of such traditions respecting Alfred's benefactions to England growing up and becoming prevalent among Englishmen shows the veneration and the love with which the great Saxon king was regarded; and it attests a high amount of real merit by which that veneration and love must have been acquired. Old writers have called Alfred "England's Darling," and his memory was cherished by after-generations with an increase of admiring affection, which made them associate every good old English institution with his name. But, even if we look only to what is clearly and indisputably proved to have been done by him, we shall find enough to justify the strongest expressions of national gratitude. Besides his rescuing and his safeguarding his country from foreign oppression, besides his labours as a legislator and as chief magistrate of the nation, besides his encouragement of commerce and the enlightened activity with which he sought knowledge of distant lands, and promoted communication with their inhabitants, he was above all eminent by his zeal for the restoration of religion, and for the advancement of learning among his own countrymen. After the dreadful havoc of the Danish wars, the Anglo-Saxons had sunk far below the degree of civilised splendour and literary cultivation, which their ancestors had acquired in the time of Bede and the other learned men who have been already mentioned.* The Danes attacked with peculiar ferocity the cathedrals, the churches, and other ecclesiastical foundations in Saxon England. In the sack of these the only

Alfred's merits in restoring religion and promoting education.

* See p. 119, *supra*.

libraries in the land perished; and in the carnage of the clergy the only secular as well as sacred teachers were destroyed. Alfred himself has told us that when he came to the throne "Learning had fallen to so low a depth among the English nation that there were very few on this side of the Humber who were able to understand their church ritual, or to translate an epistle out of Latin into English: and I know there were not many beyond the Humber who could do it. I cannot think of one able to do so on the south side of the Thames, when I began to reign."

Such was the intellectual debasement of England as King Alfred found her; but before the close of his reign he was able in his own emphatic words to thank God that those who sate in the seat of the teacher were truly capable of teaching. The courage, the sagacity, and the perseverance, with which he reclaimed his country from barbarism and ignorance, are fully equal to the heroism which he had displayed in his warfare for independence against foreign tyranny. Besides restoring and ameliorating the religious edifices and establishments, he founded schools in the chief towns of his realm; he invited able instructors from abroad; he gave every possible encouragement to such of his subjects as showed zeal and aptitude for literature or science, and he strictly refused promotion to the uneducated and negligent. Alfred was a sincere and earnest Christian; and one of the objects nearest to his heart was that the English clergy should be a body of learned and pious men. But he did not limit his exertions (as commonly was the case with even the greatest promoters of knowledge in those ages) to the instruction of his ecclesiastics, but he endeavoured to provide for the education of the laity also, at least of all those classes whose

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means gave them leisure for learning. To cite again his own words, he thought it best "That all the youth of free-born Englishmen, such as have wealth enough to maintain them, be brought up to study, so that they may learn to read the English language at an age when they can do nothing else, and that afterwards the Latin tongue shall be taught to those whom it may be possible to instruct and promote to a higher condition."

Alfred's own studies and writings.

Alfred's own example was his subjects' best encouragement to study, and is still a noble model for imitation. Amid all his adversity and perils, he had never lost the fondness for his native Anglo-Saxon literature, which had made him, while a boy, learn the ballads in his mother's book. In the pacific part of his reign, when he was already thirty-eight years old, he learned Latin. He availed himself of this new store of knowledge to translate into English, for his countrymen's benefit, several of the Latin treatises on sacred and other subjects which were most esteemed in that age. And it is a fact characteristic of Alfred's zeal to do good, and of his freedom from all vanity and petty love of display, that although it was then usual for learned men to employ Latin for their compositions, and notwithstanding his own avowed admiration of Latin, all his writings are in Anglo-Saxon, in his, and in his subjects,' and in our own mother tongue.

Difficulties under which he pursued knowledge.

We cannot rightly appreciate what Alfred did in order to learn, and in order to teach, unless we bear in mind for how short a period he had rest from foreign war, and unless we remember the numerous occupations of his royalty, even in time of peace. We must also recollect the frequent visitations of agonising disease with which he was afflicted. He alludes feel-

ingly, in his preface to his translation of Boëthius, to the scant amount of leisure which he could command. He tells us that he had rendered the original as plainly as he could "considering the various and manifold calls which often busied him both in mind and in body. The occupations are very difficult to be numbered which in his days came upon the kingdoms which he had undertaken; and he now prays, and for God's sake implores, every one of those whom it lists to read this book, to pray for him, and not to blame him for not more rightly understanding his subject. For every man must, according to the measure of his understanding, and according to the amount of his leisure, speak that which he speaks, and do that which he does."

His economy of time.

Like most of the men whom we know to have accomplished great tasks under great difficulties, Alfred was methodical in his habits, and a strict economiser of time. He observed the same scrupulous regularity in the arrangement and disbursement of the royal revenues: and in every department, both of public and private life, he trained himself to combine Order with Activity, the two inseparable elements of permanent success.

Renewal of the Danish war.

In 893, within thirteen years after the pacification with Guthrun, a still more formidable Danish chief attacked England; and Alfred was summoned from his kingly duties as a lawgiver and a teacher, to lead the Saxon armies in a long and often doubtful struggle for life and safety. Hastings, one of the most renowned champions of the North, and whose skill was fully equal to his personal prowess, collected a powerful army on the French coast from among the Danish bands that long had been plundering the Continent; and he succeeded in throwing this force across the

Hastings the Scandinavian Hannibal.

CHAP. IV.

894—901.

Channel in two divisions, one of which landed on the south-eastern coast of Kent, while the other, under the command of Hastings himself, sailed up the estuary of the Thames. These Danes were veterans in war, and the high genius of their commander made their disciplined valour trebly perilous to the land which they assailed. But the England of 893 was far different from the England which the former Danish invaders had desolated. Alfred had given his people superior military organisation; he had revived their old patriotic spirit; and there was neither disunion nor disaffection among the West-Saxon warriors whom he now summoned to the national defence. Still the war was stubbornly maintained by the invaders for more than three years; and in the course of it nearly every part of the country was traversed by contending forces. At last the better cause prevailed; and Hastings, after clinging to the land which he had designed to conquer, with tenacity and skill that have caused him to be compared with Hannibal, abandoned his scheme of conquest; and the remnants of his host departed from our shores. It was not permitted to Alfred to enjoy many years of tranquillity after this last desperate struggle with his old enemies. He died in 901, in the fifty-fifth year of his age. His mortal remains were buried at Winchester. History has justly associated with his name the epithet of "The Great:" and many are the other phrases of affection and admiration with which he is spoken of in his country's annals. Perhaps the title most grateful to a spirit so pure, so fearless, so averse from all fraud and meanness, must have been that which we find used by one of his biographers, the title of "Alfred the Truth-teller."

Strength of England's defences.

Alfred's success.

His death.

Edward, surnamed the Elder, succeeded his father

CHAP. IV.

901—940.

Alfred (901—925), and was succeeded in turn by his own son, Athelstane (925—940). Athelstane was succeeded by his brother, Edmund I., called by his contemporaries Edmund the Magnificent (940—946). These three princes were worthy descendants of the Great Alfred. They were principally occupied in reducing the Northumbrians and East-Anglians to effectual obedience, and in repelling the attempts made by foreign enemies to aid the Anglo-Danes in their repeated insurrections. We now find the title of King of the West-Saxons changed for that of King of England, or Basileus of England, as these monarchs often style themselves, in imitation of the pompous phraseology of the Byzantine court. Their sovereignty was as vigorously sustained as it was proudly assumed. One great victory gained by Athelstane in 937 over the malcontents of Northumbria, aided by numerous Norwegian forces, and a Scotch army headed by the Scotch king, Constantine III., in person, is especially renowned in Anglo-Saxon history and poetry. This battle, called the Battle of Brunanburg (the site of this place is not now clearly known), is the subject of one of the noblest of our early national odes; and the bold blood of England's warriors was for many ages roused to emulative daring, when the minstrel sang how *from the morning-tide till God's noble creature, the sun, sank in the western main, Athelstane the King, with his fierce West-Saxons and his Mercians hard in hand-play, clove the shields of the Norse champions, and pressed on the loathed clans of the weary war-sad Scots, hewing the flyers behind amain with swords mill-sharp. How of the Northmen a bloody relic of darts, shamed in mind, fled in their nailed barks o'er the deep water of the sounding sea; while the royal brothers, King Athelstane and the*

Brilliant reigns of Edward the Elder, Athelstane, and Edmund the Magnificent.

Great victory of Brunanburg.

Saxon Ode of triumph.

CHAP. IV.
901—940.

Prince, in fight triumphant, returned to their native West-Saxon land: leaving behind them on the place of carnage rich banquet rare for devouring, for the sallow kite, the swarthy horn-beaked raven, the hoarse vulture, the greedy gos-hawk, and that grey beast the wolf of the weald.

Splendour of the English Court.

Athelstane's reign is distinguished not only by victories in the field, but by the successful care which he bestowed on the improvement of the laws and the civil institutions of his country; and also by his encouragement of commerce, of literature, and of science. The English Court in his time was the most magnificent in Europe, almost equalling the splendour of Charlemagne's about a century before. Foreign princes were sent to Athelstane's Court for education. Banished kings and unsuccessful war-chiefs fled thither for refuge and hospitality. The sisters of the English sovereign were eagerly sought in marriage by the highest princes and the first nobles of Christendom. His friendship was courted by all: and he interposed more than once with dignity and effect in the continental politics of his age.

Misery of European Continental Christendom.

Perhaps the lustre of this period of the History of England is made more striking by the gloom that spread over the rest of Europe. The vast fabric of Charlemagne's empire had been rent by civil war soon after the withdrawal of the old emperor's strong arm and strong will, which had built it up, and which alone could weld it together. By the memorable treaty of Verdun, concluded in 843, between Charlemagne's grandsons, Germany and France were separated from each other, to figure as independent and generally antagonistic powers during long subsequent centuries of European history. The reunion of the crowns of these countries (together with that of

Decline and fall of the Carlovingian Empire.

Italy) on the head of Charles the Fat, in 885, was too short-lived to be important. The subjects of that unhappy prince soon fell away from him and from each other, and chose separate rulers for themselves. A long period passed before anything like vigorous, orderly government was established among either Italians or Frenchmen. Germany suffered less by intestine strife; but every part of continental Christendom was desolated by swarms of foreign invaders, that came from different parts of the pagan world, but were all barbarous, all mercilessly destructive, all animated by the fellest hatred of Christianity and the institutions of Christian civilisation. All the regions of France, of Belgium, and of Western Germany, that lay near the sea-coast, or near the banks of any navigable river, were swept with fire and sword by the Northmen, for wretched year after wretched year. Saracen marauders overran the greater part of Italy, and poured their predatory bands into Burgundy and Provence. And, in the tenth century, the still more terrible plague of Magyar warfare was poured over Christendom. The innumerable hosts of the heathen Hungarians first lighted upon Germany, and then, sweeping onwards, spread misery and dismay through the best portions of Italy and France. In England alone the national independence of a great Christian state seemed secure; in England alone social order was maintained with tranquillity, plenteousness, and glory. These blessings were far from being wholly due to England's geographical position. That indeed secured her from the Magyar and the Saracen; but, on the other hand, our island had been the peculiar object of the Scandinavian squadrons, and in no other country had the struggle against the northern destroyers been so desperately, so long and so gallantly main-

Dreadful devastations of the Danes and the Saracens,

and of the Magyars.

CHAP. IV. 901—940.

tained. That our early English commonwealth was not utterly beaten down and barbarised beneath these trials, but rose from them into augmented strength and splendour, is mainly due to the valour and the wisdom of our three West-Saxon hero-kings,—Alfred, Edward, and Athelstane.

CHAPTER V.

Influence and designs of Dunstan—King Edred's submissiveness to him—Troubled reign of Edwy—Edgar's pacific and prosperous reign—Short reign and murder of Edward II.—Long and disastrous reign of Ethelred the Unready—Renewal of the Danish wars—The Dane-gelt—The massacre of St. Brice's—Sweyn's invasion of England—Ethelred flees the realm—Recalled by the English—Canute King of the Danes—Death of Ethelred—King Edmund Ironside keeps up the war—England divided between him and Canute—Edmund's death—Canute the Dane King of England—Power and noble character of Canute—Peace and prosperity of England under him—Short reigns of his sons—Edward the Confessor king—Weakness of his character—Power of the great nobles in his time—Struggle between Earl Godwin and the king's Norman favourites—Claimants to the crown of England after Edward—Harold, son of Godwin, made king.

DURING the reigns of the four kings who succeeded Edmund the Magnificent—of Edred (946—955), Edwy (955—958), Edgar (958—975), and Edward, called the Martyr (975—979), a churchman was the most important personage in England. Dunstan, first a monk, afterwards Abbot of Glastonbury, then a bishop, and finally an archbishop, was a man of high abilities and manifold acquirements. He was clear and uncompromising in his purposes, little scrupulous as to his means; and the austerities which he had practised upon himself hardened him against human affections as well as human frailties in others. He devoted himself to work out what he doubtless deemed a righteous reform by expelling the married clergy, by reviving the strictest monkish discipline, and by giving monks an ascendency both in Church and State. If the reigning king would

Ascendency and character of Dunstan.

CHAP. V. 940—979.

assist him in these schemes, Dunstan gave to the compliant sovereign the aid of his own high administrative genius, incorruptible honesty, and untiring energy in the general direction of government. This was the case during the reign of Edred, so much so that Dunstan was called "The King's Commander." Edwy, the next king, opposed the monkish party, by whom he and his young wife Elgiva (related to Edwy within degrees of affinity which, according to the Romish doctrine, made the marriage of the parties unlawful without an ecclesiastical dispensation), had been treated with coarse insolence. The monks in return stirred up revolts against Edwy, and put his queen to death under circumstances of atrocious cruelty. Edwy died of a broken heart before he had reigned four years, and before he had reached the nineteenth year of his age. His brother Edgar restored Dunstan to full power, and reigned for nineteen years in greater tranquillity and prosperity than any of his predecessors had enjoyed. There was neither foreign nor domestic warfare while he held the sceptre. This was mainly due to the vigorous measures which Edgar's ministers took for maintaining the national defences, especially the navy, in the highest possible state of efficiency. Edgar was succeeded in 975 by his son Edward II., called the Martyr. This unfortunate young prince was murdered by his step-mother (979) before he had reigned four years. Then commenced one of the longest and most disastrous reigns of the Saxon kings with the accession of Ethelred II., justly styled Ethelred the Unready. The Northmen now renewed their plundering and conquering expeditions against England; while England had a worthless waverer for her ruler, and many of her chief men turned traitors to their king and country. Always a laggart in open

Pacific reign of Edgar.

Disastrous reign of Ethelred the Unready.

war, Ethelred tried in 1001 the cowardly and foolish policy of buying off the enemies whom he dared not encounter. The tax called Dane-gelt was then levied to provide "a tribute for the Danish men on account of the great terror which they caused." To pay money thus was in effect to hire the enemy to renew the war. In 1002 Ethelred tried the still more weak and wicked measure of ridding himself of his enemies by treacherous massacre. Great numbers of Danes were now living in England, intermixed with the Anglo-Saxon population. Ethelred resolved to relieve himself from all real or supposed danger of these Scandinavian settlers taking part with their invading kinsmen, by sending secret orders throughout his dominions for the putting to death of every Dane, man, woman, and child, on St. Brice's Day, November 13. This atrocious order was executed only in Southern England, that is, in the West-Saxon territories; but large numbers of the Danish race were murdered there while dwelling in full security among their Saxon neighbours. So many of the English local magistrates and the other Saxon inhabitants must have co-operated in the massacre, that it is to be regarded as a Saxon national crime, and not as one of which the king and his immediate ministers should bear all the guilt. Among the victims was a royal Danish lady, named Gunhilde, who was sister of Sweyn, king of Denmark, and who had married and settled in England. She was compelled to witness the deaths of her husband and her child, and was then slain herself, imprecating with her last breath the vengeance of her brother upon the cowardly murderers.

Dane-gelt.

Massacre of the Danes.

That vengeance was not long delayed. The news of "the massacre of St. Brice" soon spread over the Continent, exciting the deepest indignation against the

Vengeance and victories of King Sweyn.

CHAP. V.

1002—16.

English and their king. Sweyn collected in Denmark a larger fleet and army than the north had ever before sent forth, and solemnly vowed to conquer England or perish in the attempt. He landed on the south coast of Devon, obtained possession of Exeter by the treachery of its governor, and then marched through western and southern England, marking every shire with fire, famine, and slaughter; but he was unable to take London, which was defended against the repeated attacks of the Danes with strong courage and patriotism, such as seemed to have died out in the rest of Saxon England. In 1013, the wretched king Ethelred fled the realm and sought shelter in Normandy. Sweyn was acknowledged king in all the northern and western shires, but he died in 1014, while his vow of conquest was only partly accomplished. The English now sent for Ethelred back from Normandy, promising loyalty to him as their lawful king, "provided that he would rule over them more justly than he had done before." Ethelred willingly promised amendment, and returned to reign amidst strife and misery for two years more. His implacable enemy, Sweyn, was indeed dead; but the Danish host which Sweyn had led thither was still in England, under the command of Sweyn's son, Canute, a prince equal in military prowess to his father, and far superior to him and to all other princes of the time in statesmanship and general ability.

Sweyn's son Canute continues the war.

Death of Ethelred.

Ethelred died in 1016, while the war with Canute was yet raging. Ethelred's son Edmund, surnamed Ironside, was chosen king by the great council then assembled in London, but great numbers of the Saxons made their submission to Canute. The remarkable personal valour of Edmund, strongly aided by the bravery of his faithful Londoners, maintained

Death of Edmund Ironside.

CHAP. V.

1017—35.

the war for nearly a year, when Canute agreed to a compromise, by which he and Edmund divided the land between them. But within a few months after this, the royal Ironside died by the hand of an assassin, and Canute obtained the whole realm of the English race.

Canute, sole King of England.

A Danish dynasty was now established in England for three reigns, and it might seem that all the efforts of the great Alfred had ultimately proved useless, or that at most they had only served to retard a little the season of Danish bondage. But a brief reflection on the change that took place among both Anglo-Saxons and Danes in the interval between Alfred's accession and that of Canute, will teach us to judge differently.

But Alfred's achievements not fruitless.

In the middle of the ninth century but little common nationality had grown up among the Saxon inhabitants of England; and the Danish invaders in that age came from an almost infinite variety of independent petty kingdoms, into which Scandinavia was then subdivided. We cannot see the probable elements of any great State in this island, if the conquest of it by the then entirely pagan and ferocious Northmen had been accomplished. Christianity and Christian civilisation would, in all likelihood, have been extirpated here, and the country would have relapsed into wild and discordant barbarism. But during the reign of Alfred and his three successors, a powerful and skilful organisation of the greater part of the inhabitants of the land into members of one imperial state was effected; and the civic order and the civilising institutions so matured were strong enough to survive the calamities of Ethelred's reign, and the temporary subjection to foreign rulers. Moreover, the Danes whom Canute led were in many respects different from their ancestors who had fought

Changes in the Scandinavians, and in the Saxons.

CHAP. V.

1017—35.

under Guthrun and Hastings. By the beginning of the eleventh century, the petty states of Scandinavia had been consolidated into three powerful and comparatively well-ordered kingdoms. Christianity had made much progress there, although the conversion of the north was incomplete till the reign of Canute himself.

Genius and glory of Canute.

We must also acknowledge how great a providential blessing it was to England that the first Danish king who ruled her was a prince of such a character as Canute displayed after he acquired the English crown. Many deeds of barbaric severity and some of atrocious cruelty are recorded of him; but nearly all these were committed before the establishment of his power. His rule in this island was generally just and humane. He was indefatigable in his zeal for extending Christianity and founding religious institutions among his subjects. He laboured earnestly to improve the laws, and to ensure their righteous administration. He gave liberal encouragement to science, art, and literature. He had inherited the crown of Denmark; and, after he had acquired that of England, he conquered Sweden and Norway in a great degree by the aid of English troops. Thus sovereign of four great kingdoms, Canute surpassed in magnificence and power all his royal predecessors, whether Scandinavians or Saxons. He chose England for his usual residence; and for nearly twenty years his subjects of every race dwelt together here, under his firm and wise government, in union and prosperity, the effects of difference of origin becoming less and less perceptible, and the Anglo-Saxon element of our population, as the largest, acquiring peacefully a general predominance over the others, though the Danish influences have ever been important and enduring.

Canute died on the 11th November, 1035, and his

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remains were deposited in the ancient burial-place of the West Saxon Kings at Winchester. Two of his sons (Harold Harefoot, 1035—1040, and Harthacnut, 1040—1042) reigned here for a short time after him; but on the death of the last of these, the nation called a prince of the old Saxon house of Cerdic to the throne, and Edward, surnamed the Confessor, became King of England from Easter Day, 1043, to the time of his death, Jan. 5, 1066. Edward was a son of King Ethelred, and had been sent by that sovereign, towards the end of his unhappy reign, to the court of the Duke of Normandy for safety. Edward had remained there till recalled to England by Harthacnut in 1041. Thus, Edward's youth and early manhood had been passed away from his country; and this foreign education, together with his naturally weak and superstitious disposition, made him resemble a Norman monk rather than an English king. He had some virtues that might have partly redeemed his character in private life, but he was utterly wanting in the strict sense of justice and firmness of purpose, that were essential for the discharge of the duties of the royalty which he had assumed.

House of Cerdic restored.

King Edward the Confessor: his Norman education and its effects.

England, during his reign, was in reality more governed by a few powerful nobles, than by the king. Earl Leofric was ruler of Mercia; Earl Siward, of Northumbria; but Earl Godwin (by whose influence Edward was mainly placed on the throne) was the most powerful of them all, and was generally regarded as the true old English chief, and as the champion of the nation against the foreign favourites whom King Edward brought over from Normandy, and strove to make predominant in Church and State. Earl Godwin and his sons were rulers of all Wessex, Sussex, Kent, Essex, and East Anglia. The best part of England

Earl Godwin heads the national party against the king's foreign favourites.

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was thus in the hands of this great family, and their influence seemed confirmed by the marriage which soon after Edward's accession was contracted between the king and Godwin's daughter, Editha.

Edward aspired to the supposed merits of a monk, and treated his wife with unnatural neglect and harshness. He regarded her father and brothers with mixed fear and malevolence. His chief zeal was for relics, and his only fondness was for his Norman courtiers. A fierce jealousy and, at last, open hostility ensued between the foreigners and Earl Godwin's party. At one time (1051) the king, aided by Earl Leofric and Earl Siward, seemed to have effectively broken the Godwin sway. Godwin and his sons were obliged to flee the land; Queen Editha was expelled from the king's house, deprived of all her wealth and jewels, and imprisoned under the charge of the king's sister, who was Abbess of Wherwell. But this triumph of the Royal and Norman party was short-lived. Within two years Godwin and the best and bravest of his sons, Earl Harold, were again in England, and were joined by such large forces of the English, that the king was obliged to accede to their demands, that a great council should be summoned to decide between them and their enemies. In this assembly the adherents of Earl Godwin carried all before them. The old earl and his sons were restored to their honours and possessions; Queen Editha was recalled to the palace; and the king's Norman favourites were declared outlaws. Earl Godwin died soon after this, but his son Harold now stood forward as head of their house, with still greater power and popularity than his father had ever enjoyed. The guilt of much fraud and violence, and the heavy suspicion of atrocious crime, had rested upon Godwin, but Harold was free from all

Strong position of Godwin's son Earl Harold.

reproach. His victories over the Welsh (1055 and 1063) increased his reputation and authority, and the deaths of his father's ancient competitors, Earls Siward and Leofric, left him without any formidable rival among the native nobles of the land.

Prospects of a war of Succession.

As the childless king felt himself declining in years, he thought of the miseries which a disputed succession was likely to bring on England after his death, and determined to summon to his court his nephew, Prince Edward, son of King Edmund Ironside, who in Canute's time had been sent to Hungary, and had ever since remained there. Accordingly this prince and his family—of one son, Edgar, and two daughters, Margaret and Christina—came to England. Prince Edward's right to the succession was unquestionable; and (in the words of the Saxon chronicler) he had grown up in the land of the Hungarian to be a good man. But (as the chronicler continues) "for the mishap of this wretched nation," he died almost immediately after he had landed.

The certainty that there would be war in England for the crown, so soon as the present wearer of it expired, now pressed again upon men's minds. It was true that Edgar, son of the dead Prince Edward (commonly known in history as Edgar Atheling) was in the land; but he was a mere child, of slight promise of parts or courage; and his claims were little likely to be regarded by the strong and fierce spirits that were watching each to seize for himself the royal prize. Valour, sageness in council, popularity, experience, decision, and skill, all were justly attributed to Earl Harold, and seemed to point him out as the worthiest occupant of the throne. But Harold was not even in the remotest degree related to the Royal House of Cerdic; and, lax as the Saxon practice as to observing

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rules of succession had been, there was no instance (save during the brief period of Danish conquest) of the English having been reigned over, except by men who traced their lineage through Cerdic up to Odin. King Edward's cousin, the powerful and ambitious Duke of Normandy, had been in England in 1051; and had, it was said, obtained a promise from King Edward that the kingdom should be bequeathed to him. Lastly, there was the adventurous and warlike King of Norway, Harald Hardrada, whom the English Earl Tostig, after being driven out from the government of Northumbria for misconduct, had sought as a protector and avenger; and who was certain, in endeavouring to win Tostig back his old earldom, to strike boldly for a new kingdom for himself. Amid these doubts and fears King Edward sickened and died on the 5th of January, 1066, a few days after the dedication of his Abbey at Westminster, in which his mortal remains still repose.

Schemes of the Duke of Normandy.

Death of King Edward.

Harold assumes the sovereignty.

Many of the Saxon nobles and chief ecclesiastics of southern and central England must have been at Edward's court for the celebration of the festival of Christmas, and for witnessing the consecration of the new Abbey. Harold, who was on the spot, promptly assembled these and other leading men in a great council, which declared him King of England. His partisans asserted also that King Edward had on his death-bed named Harold as his successor. Others denied this; but its truth was of little moment. Harold knew well that it was by the weapons of the living, and not by the words of the dead, that he must make good his title. He was crowned and anointed king on the day after King Edward's funeral. Forty weeks and one day afterwards he himself lay dead on the battle-field of Hastings. Within that brief interval

two other great battles had been fought in the land: the Norwegian King had conquered in one of them, and had been defeated and slain in the other.

The result of this short but stern competition was to leave William of Normandy master of England. But before we address ourselves to the consideration of that great epoch in our history, the Norman Conquest, we may conveniently pause and survey the main features of the Anglo-Saxon laws and institutions, the general condition of the people in the Saxon times, and the character of Anglo-Saxon literature and art. We must also consider who and what the Normans were, before their victorious settlement in this island; nor will it be superfluous to glance at the general condition of European Christendom, and of some other civilised parts of the world, about the middle of the eleventh century.

CHAPTER VI.

Sketch of Anglo-Saxon institutions—Only their general features—Classification of free population into Eorls and Ceorls, or into Thanes and Ceorls—Condition of the Ceorls—The tithing, the hundred, the township—The county-court—The Witangemote—Privileges of the Thanes—Limited power of the kings—The royal families—The Anglo-Saxon clergy—Slavery in Anglo-Saxon times, its causes and character—Administration of justice—Value of character—Ordeal—Compurgation—Civil sects—Reflections on Anglo-Saxon polity—Predominance of the aristocratic element—Dread of licence and anarchy—Severity of laws to ensure order—Our language in Anglo-Saxon times—Richness and variety of Anglo-Saxon literature.

A GENERAL sketch of the chief features of the Anglo-Saxon institutions is all that can be attempted here. But it is a very important part of our subject, inasmuch as the foundations of much that exists among us at present were laid in Saxon times, and also because it is impossible to have clear knowledge and sound judgment as to the constitutional history of our country since the Norman Conquest, unless we first comprehend what the system was, which the victorious Normans found in existence here, and which they changed and modified, but never wholly destroyed.

Classes of the Saxon population.

Eorls, Ceorls,

The free population of Saxon England (exclusive of the kings, whose power and position will be separately considered) consisted of nobles called Eorls, and of commoners called Ceorls. This is usually given as the main classification of Saxon ranks; and perhaps if we take eorl and ceorl as respectively equivalent to the

old English phrases of "gentle" and "simple," we shall rightly understand the distinction. The Eorls were gentle-folk, the Ceorls were simple-folk. The upper class, the Eorls, are also often called the Thanes. But a well-born man in Saxon times was not a Thane unless he possessed a certain amount of landed property. The possession of land gave him not only the title of Thane, but also important political and social privileges. It is convenient, therefore, in speaking of the Saxon gentry to call them the Thanes: and it is also desirable to do so, because in the later Saxon times (after the Danish influences had become extensive here) the title "earl" (the same word as eorl, and as the Danish jarl) came into use in the Danish meaning of governor of some district, without any reference to the man's pedigree.

Thanes.

Predominance of rural over oppidan population.

The Ceorls were by far the most numerous class.* They held the positions now occupied by the yeomanry, the tenant-farmers, and the best circumstanced of the peasantry of the land. It is to be borne in mind that the agricultural population far exceeded the town population in Saxon times; and when we speak generally of Saxon classes, dwellers in the country are to be understood. The towns and their inhabitants will be adverted to presently. The Saxon Ceorl was obliged to be under the protection and patronage of some man of superior rank, as his lord: and by far the greater number of the Ceorls held their lands of some lord to whom they rendered certain services for their occupation. Ceorls of this description could not leave the land without the lord's consent; and when the estate passed to an heir or devisee, or was otherwise transferred to a new owner, the resident Ceorls passed

Obligations of the Ceorl.

* There were several subdivisions of the Saxon commonalty, such as "Socmen," which there is no space to discuss here.

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with the property in the land to the new lord. This sounds like serfdom or villeinage; but still the Saxon Ceorl was essentially a freeman. He had a right to bear arms. He could acquire and hold property in his own right. If an injury was inflicted on him, the *were-gild*, or compensation appointed by law, was paid to him or to his family, and not to the lord. The Ceorl was a legal witness: he could sue and be sued. He was "law-worthy," to use an old phrase: he was "a lawful man," to use another old phrase that still is employed in our judicial proceedings. The Ceorl must also be considered to have had important political rights and duties, if the taking part in the administration of justice is held (as it certainly ought to be held*) to be a part of political government. The Ceorl was a member of a Tithing: that is to say, he and his neighbours of the same rank were enrolled in a little community (originally, but not always, consisting of the heads of ten families), each member of which was surety to the State for the good conduct of the rest. They chose among themselves their Headman, their Decennary, or Tithingman, who was the peace-officer of the district. Also, under his presidency, they exercised a salutary jurisdiction over members of their own body about local disputes of small value but frequent occurrence. A number of Tithings grouped together made up the Hundred, a combination for local self-government very general among all the Germanic and Scandinavian nations. The Hundred had its court presided over by its own officer, the *Hundredes Ealdor*, whose post has been taken by the High Constable of after times. This court decided cases in which the inhabitants of more than one Tithing

Points of his freedom.

Tithings.

Hundreds.

County-Courts.

* See Rise and Progress of the English Constitution, p. 7 and note.

were interested, unless the important nature of the case made it fit for the superior tribunal of the assembled Thanes of the whole county, that is, of the Shire Moot, or County Court.

The organisation of the men of each district into Tithings and Hundreds, for the purposes of local self-government, is substantially an institution which our Saxon ancestors brought hither from their original German homes.*

The Townships.

But there is another institution very important with reference to the political and social rights of the Ceorls, the institution of the Township (the original in many respects of the Manor of after times), which must have been created here as the result of the Saxon conquests,

* See p. 92 *supra*, and see the chapter in Kemble's Saxons on "The Tithing and the Hundred." See also Rise and Progress of the English Constitution, p. 18.

Lappenberg well observes (England under the Anglo-Saxons, vol. ii. p. 327) that "In no country are the old German institutions, both political and legal, in general to be so easily traced as in England, although in particular cases great difficulties present themselves to the inquirer. Above all things, care must be taken not to base every institution on one and the same artificially formed principle, but rather to bear in mind, in the first place, that many centuries lie before us, in the course of which several of the institutions known to us have first received their completion, and sometimes had their origin; and secondly, that the original institutions of the conquering Angles and Saxons result as well from the necessities of warfare, as from the patriarchal legal relations which again present themselves in times of peace."

There is a mischievous inaccuracy in the common account of Saxon England being divided into shires, and subdivided into hundreds and tithings. Such language gives the idea that the kingdom had an existence as a kingdom before the time when the minor districts were carved out of it. The direct reverse is the truth. The German warriors who came here formed themselves, according to their national usage, into tithings and hundreds. Then, neighbouring hundreds coalesced and made up the larger district of the shire. Then, one or more shires (generally several shires) made up a little kingdom; and finally a number of little kingdoms were blended into the kingdom of England. It ought to be observed, with regard to the prevalence and the importance of the institution of the hundred in England, that the Anglo-Danes had been accustomed to the same local organisation at home. I cannot see any substantial difference between the Scandinavian hærrad and the Germanic hundred.

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and as a consequence of the position in which the wealthier and more powerful Saxon warriors would find themselves with reference to their poorer comrades, as well as with reference to the unexterminated portion of the subdued population. A Township was the domain belonging to a powerful Saxon, to an opulent Thane, who dwelt there in his homestead,* and was Lord of the Township. Besides his slaves (a class of the population to be spoken of presently), there were grouped around him a number of Ceorls, some holding lands of the lord on various conditions of service, some tilling the lands that were tenanted by others. Each Township had its Gerefa, or Reeve, its elective chief officer; and the Ceorls of every Township chose from among their own body four good and lawful men, who, together with the Reeve, represented the Township in the judicial courts of the Hundred and the Shire. Each Township had also its own local court for affairs of small importance. The Townships were very numerous; and, though they did not quite overspread the whole country, by far the greater portion of it was comprised within the area of some township or other. Frequently the district of a Township was the same as the district of a Tithing. In this (as in other cases also) the Township system of self-government in a great degree superseded the Tithing system. But the Tithings were still kept up, especially for the purpose of Frank-pledge, of which more will be said hereafter.

We have seen that the Ceorl, if a member of a Township, was represented in the Hundred Court by the Reeve and the Four Men of the Township. It may,

* Some townships belonged to the Crown, or to non-resident nobles, and had a Reeve of the lord in residence. But the normal township was as described in the text.

I think, be also safely believed that the Headman of each Tithing attended the Hundred Court; but the mass of the Ceorls were not personally present there. But the Thanes of the district had a right, and were bound, to attend in person: and it was from among the Thanes of the district that twelve men were chosen, whose especial province it was to make presentments on behalf of the Hundred before the superior court of the whole shire.

The Four Men and the Reeve of each Township within the shire attended this last-mentioned tribunal, the Shire-moot, or County Court. But they had no right to take part in its deliberations, or to vote in it, any more than they had in the still higher court of the Witan, the Supreme Court of the kingdom. The Four Men and the Reeve of each Township attended the Witangemote also, but it was only for the purpose of obtaining justice when the inferior tribunals had failed to administer it. The presence of these Ceorl officers at the Witan, for this purpose, has been termed by Sir Francis Palgrave "Remedial Representation;" but no error can be more gross that that of many popular modern writers, who have described the Saxon Witangemote as a primitive Parliament to which all classes of the people sent members by a kind of universal suffrage.

Remedial representation.

The Witan was, in truth, a highly aristocratic body, in which is fully exemplified the predominant character of the Anglo-Saxon institutions, as we shall see more clearly when we examine the position of the Thanes, the class above the Ceorls.

The Witan: its aristocratic character.

The Thanes, the gentry of the land, had many privileges besides the natural authority with which wealth and high birth invest their possessors. A Thane's oath in court was considered equal to the oath

Privileges of Thanes.

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of six Ceorls. The *were*, for slaying him, was six times the amount of the *were* for taking a Ceorl's life. The Thanes of each shire pronounced the decisions of the county court, which they were bound to attend; and they had also the right of attending and taking part in the deliberations and decrees of the Witan.

The Thanes were the lords of the Townships that have been described; and their local dignity and power must have been, practically, even more important than their share in the general government of the Commonwealth. But while we observe the strong influence of the aristocratical element in the Anglo-Saxon polity and social system, we must always remember that this superior body of the Thanes was not an exclusive caste or a strictly hereditary noblesse. It was an aristocracy of the best kind; an aristocracy always open to receive recruits from the ranks below it. Any Ceorl who could acquire a certain amount of landed property might become a Thane, and the successful merchant could raise himself to the same rank.

Saxon aristocracy not a privileged caste, but a timocracy.

The spirit of municipal self-government, which had flourished so much in the cities and towns of our island, while under the rule of Rome, was at least equally vigorous in the Saxon times. The Burg (as the city or town was usually called, meaning a fortified place) was organised like a Hundred. The *Burhwan*, that is, the men of the borough, chose from among themselves their Borough-Reeve or Port-Reeve, as the head of the civic community was termed. Every free householder who paid scot (that is, who contributed to the local taxes), and who bore lot (that is, who was ready to bear his share of local duty), was a Burgess, with full right to deliberate, to vote, to elect, and to be elected. Smaller associations of some of the Bur-

Local self-government of the cities and towns.

gesses among themselves, called Guilds (resembling, in many respects, the Collegia of the Roman municipalities *), were general in the Saxon boroughs, and did much to nourish the national aptitude for political organisation and orderly self-government.

The king: his status.

At the head of the Commonwealth was the king, its generalissimo and its chief magistrate, but by no means its master, though the latter Saxon sovereigns loved to assume the high-sounding titles of Basileus, Augustus, and the like. The king could only act in important matters by the advice and with the concurrence of his great council, his Witan, which we have had occasion to mention so often. The Witan was summoned and presided over by the king. It was composed of the bishops, of the principal abbots, of the more powerful nobles, the ealdormen or earls, who were sub-rulers or lords-lieutenant over large districts, and of the Thanes, who had a general right of attendance, and most of whom must have exercised that right according to the locality where each Witangemote was convened. The Thanes who resided in or near the place would naturally attend in large numbers; but it is not to be supposed that those resident in distant shires could often undergo the then serious toil and cost of a journey for the purpose.

Powers of the Witan.

It was in and with his Witangemote, and not otherwise, that the king made laws and imposed taxes. Instances may be found of arbitrary acts of particular sovereigns; and especially the Dane-gelt—the assessment originally imposed in Ethelred's wretched reign, by the king and the Witan, for raising money to buy off Danish invasion—was more than once exacted by the kings of the Danish dynasty who reigned here, of their own sole authority. The same impost was levied

* See p. 81 *supra*.

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by royal prerogative in the beginning of Edward the Confessor's reign, but that king, in 1052, abolished the tax as iniquitous; nor was it reimposed till after the Norman Conquest.

Saxon State-lands not Crown-lands.

Another decisive proof of the limited character of the Anglo-Saxon monarchy is the fact, that it was only with the consent of his Witan that the king could make grants of the public domains of the "folk-land," that is, of the land of the people, as the Saxon expressively termed all territory, that had not become the absolute private property of some individual. The theory, that the sovereign is the paramount proprietor of all land, was utterly alien to Saxon ideas and institutions. The land conquered by a German tribe did not become the king's land, but belonged to the victorious community. Such state domains, like the Ager Publicus of the Romans, might be held by individuals as tenants of the Commonwealth; but the property in the land remained in the Commonwealth till it was formally made over as private property. In the times when the Saxon armies were effecting their conquests, the process by which a portion of land was allotted to each victorious warrior, as his absolute property, was probably short and simple; but in the later Anglo-Saxon ages the grant was made by charter (bôc), whence land of this kind—land that was made a man's own absolute private property—was termed Bôc-land, in contradistinction to the Folc-land, which still remained the property of the collective people.

Queen Victoria descended through Alfred and Cerdic from Odin.

The Witan appears also to have exercised the power, when a king died, of choosing his successor from among the members of the royal family. All the royal houses among the Anglo-Saxons, before the consolidation of the various kingdoms, claimed to be descendants of Odin. As Mackintosh has observed, this

pedigree continued to be illustrious, after it had ceased to be regarded as divine. The extinction of all these houses, except that of Cerdic, the founder of the West Saxon dynasty, may have facilitated the submission of the Saxons generally to Cerdic's descendants. It certainly became a recognised principle, that the king must be a member of this family; and the next male heir of the deceased sovereign was usually the successor, unless his tender age at the time when the throne became vacant, or some other decided personal disqualification for the vigorous and immediate discharge of the duties of royalty, induced the Witan to set him aside, and to nominate some other and more competent member of the royal family as king. The new ruler was said to be "chosen and raised to be king."* His title was given not merely by his royal pedigree, but by the consent of the nation that he should rule over them, that consent being expressed by the vote of the Great Council, and ratified by the popular acclaim at the then important ceremony of the coronation.†

The king must be chosen from among the Διογενεῖς. the Asasons.

Notwithstanding these limitations on monarchy among the Anglo-Saxons, the king possessed great power according to law; and his practical importance in the state was greater still. We must remember that the Anglo-Saxon period of our history was, with the exception of a few epochs of tranquillity, a period of almost ceaseless warfare, carried on within England itself; and we know how much the executive authority necessarily predominates in such seasons over the other branches of government; and what immense personal influence the Executive Chief, if he be an

Powers of the Anglo-Saxon kings.

* Kemble, vol. ii. p. 215.

† See Palgrave, vol. i. p. 562, and p. 655. And see in Kemble, vol. ii. p. 35, the form of the coronation oath taken by Ethelred at Kingston.

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energetic and successful commander, is certain to acquire. The Anglo-Saxon king, as general guardian of the peace of the commonwealth against either foreign or domestic disturbers, could call out the *Fyrd*, the armed levy of all the freemen of either a particular district, or of the whole realm, at his discretion. He could of his own authority fine public officers, and even private individuals, for such neglect of duty as brought imminent danger on the public interest.* He had the right of maintaining a body-guard, chosen by himself, of armed retainers, on whom he could confer nobility for service. Besides his own private property, he possessed, as king, large domains of crown lands, though he could not alienate them without the consent of his Witan. His right to receive portions of the fines in many criminal cases, and to take for himself the confiscated chattels and lands of offenders, was in those times an important source of revenue. He had the prerogative of pardon. He appointed the earldormen, the rulers or lord-lieutenants of the shires, and many other important officers. His own more immediate officials, his chamberlain and others, had seats in the Witan, and exercised a continually increasing influence in that assembly. The king's right of naming the time and the place at which the Witan should meet, must in skilful hands have been a valuable instrument for securing a favourable majority.

This brief sketch of some of the main rights of royalty among the Anglo-Saxons must be taken as chiefly applicable to the last century or two centuries of the Saxon rule. The king of the first German settlers here had far less power.† It has been already

Influence of the ecclesiastics.

* Kemble, vol. ii. p. 38.

† Compare carefully the chapter in Kemble's first volume on "the king" of an Anglo-Saxon state as originally settled, with the chapter in the second volume on "the rights of royalty" as developed and extended afterwards.

pointed out * that the new position assumed by Anglo-Saxon royalty was in a great degree caused by the influence of the institutions of Imperial Rome, which were habitually studied and admired by the churchmen, who were generally the most important advisers and ministers of the Anglo-Saxon kings, and who always formed a very large portion of the great councils of the realm.

The influence thus exercised by the Church in state affairs was very great; and we may remark, as a general characteristic of the Anglo-Saxons after their conversion, the high position which they assigned to their clergy. The bishops and the principal abbots were members of the Witangemote, important by their numbers, and still more important by their intellectual superiority to the general mass of the Thanes around them.

In the County Court the bishop of the diocese presided jointly with the ealdorman, and even the humblest priest took rank, as a mass-thane, with the landed gentry. A large proportion of the wealth of the land belonged to the Church. The obligation to pay tithes is declared and enjoined by many extant Anglo-Saxon laws; and, besides the right to these, the Church was largely endowed with domains for her cathedrals and monasteries, and with glebe for her parish priests. The district of which the tithes and other ecclesiastical dues were paid to a particular local church, and the inhabitants of which were ministered to by the priest of that church, made up a *preost scyre*, a parish. And by far the greater part of Saxon England (though not all) was divided into parishes; a division which in after times has been generally adopted for purposes of secular local self-government.

Tithes.

Parishes.

* See pp. 82, 87, 151, *supra*.

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The Slaves.

Besides these various classes of the free population of the land, there was also a lower class of human beings, who were in absolute slavery. They were called by the Anglo-Saxons "Theowes," "Esnes," and "Thralls." Many of them were probably descendants of the conquered Britons. But others were of Saxon race, being either criminals who could not pay the fines imposed on them by the laws, and who had been thereupon sold into bondage; or being guiltless but wretched beings, who had sold themselves into slavery from the pressure of extreme poverty. This seems to have frequently happened during the famines which so often afflicted England, or parts of England, in those ages. The will of a Saxon lady, still extant, directs the emancipation of her slaves of this kind, and describes them emphatically as "The men who bent their heads in the evil days for food." * The laws even recognised the right of a father, under the pressure of extreme necessity, to sell his child into slavery, but this could not be done without the child's consent, after the child was seven years old.

Laws of tort.

The law so far protected a slave that a *were* or compensation-money was required from those who grossly maltreated him; but this money was payable, not to the slave himself, or to his family, but to his master. This made of itself a broad distinction between the slave and the lowest freeman. The law as among the freemen themselves appointed curiously minute tariffs of compensation for bodily injury, from the loss of a finger-nail to the loss of life; and there were separate tariffs, according to the rank of the injured party. It was not, however, in all cases that the criminal could redeem himself from punishment by a money

* Kemble, vol. i. p. 196.

payment. Some crimes were "botelos," inexpiable, save by the forfeiture of the offender's life. Among these were treason, military desertion, housebreaking, contrived murder, and open theft. It may be observed, as to the last, that all the nations of Germanic origin regarded theft as a deeply disgraceful crime, and treated it with far more severity than it was dealt with by Roman law, or by the laws of most other nations, either in ancient or modern times, with which we are acquainted.

Criminal trials among the Anglo-Saxons.

A man charged with crime had a speedy and public trial in the Anglo-Saxon times; he was also tried before a number of the people, and was not made dependent for condemnation or acquittal on the caprice or subserviency of any officer of the Crown. These are very important principles in criminal jurisprudence. They are among the most valuable principles of our modern system of trial by jury; and we may therefore say correctly that some of the great principles of trial by jury flourished among our Saxon ancestors. But it shows much misapprehension of the true character either of things past, or of things present, to assert, as many writers have done, that a regular system of trial by jury existed here in the time of Alfred, or of any other Anglo-Saxon sovereign. An Anglo-Saxon criminal trial was conducted in the presence of the assembled members of the Hundred Court, or of the County Court; the latter being the tribunal before which all serious charges were investigated. It will be remembered that all the Thanes, that is, all the landed gentry of the country, formed this last-mentioned court, being presided over by the Bishop and the Ealdorman, or by the Bishop and the Shire Reeve or Sheriff, who frequently acted in the Ealdorman's stead. A man might be accused before

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this tribunal either by the presentment of the chief men of his hundred, or of his township, or by the appeal of the injured party. We see, in this first mode of accusation, the clear original of our modern Grand Juries, but we shall see little resembling our modern jury trial as we proceed. When the culprit was thus arraigned, he had to prove his innocence by either compurgation or ordeal; but before the trial the court ascertained whether the accused was or was not a man of good character. If his lord and two other Thanes would come forward and swear that the man had not been convicted of crime for some stated period, he was looked on as a man of good character, and allowed to clear himself of the specific charge against him more easily than the culprit who could not obtain the necessary witnesses to good conduct, and who was therefore considered to be under a greater presumption of guilt. If the accused party wished to clear himself by compurgation, he swore to his own innocence, and he was required to produce neighbours to swear to their belief in it; the effect of such neighbours' oaths being estimated, not by the means of knowledge as to the specific charge possessed by the persons who swore, nor by their character, nor by their number, but by their "worth" in the Anglo-Saxon scale of persons, according to which the oath of one Eorl was equal to the oaths of six Ceorls. A much less amount of compurgatory oath was needed for the man of proved good character, than for others. If the culprit, either from inability to procure compurgation, or for any other reason, elected to be tried by the ordeal, and to abide "the Judgment of God," as it was termed, the cauldron of boiling water, or the red-hot iron, was prepared before the assembled court, and the accused man in their presence plunged his arm up to

Character.

Compurgation.

Ordeal.

the wrist in the water, or carried the iron in his bare hand for nine paces. He was declared guilty or innocent, according to the appearance or non-appearance of marks of scalding or of burning within a limited time. Such was the ordeal for a man of approved good character: but the man of ill-repute, or of no repute, was obliged to plunge his arm up to the elbow in the cauldron, or to bear a red-hot iron of treble weight.

It must not, however, be supposed that in cases of flagrant guilt, the criminal was allowed the chance of escaping through the friendly perjury of compurgation, or through the trickery which was not uncommon in the management of the ordeal. On the contrary, the slayer who was found, weapon in hand, near the bleeding corse, the housebreaker seized on the premises, or the thief taken on fresh pursuit in possession of the stolen property, *hond habend* and *back barend*, was cut down on the spot, or strung up to the next bough without delay or ceremony.

Frank-pledge.

We have had occasion to notice the institution of "Frank-pledge" while speaking of the tithings, the small local communities to which each freeman belonged. The organisation of the tithing may first have been designed for military purposes, or for local self-government only; but it was used also among the Anglo-Saxons, from the time of Edgar's reign, if not earlier, as a gigantic engine for making every member of the community put in perpetual bail for his good conduct, or for his appearing to stand his trial if accused of misconduct. Every freeman above the age of twelve years was required to be enrolled in some tithing; and special courts were appointed whose duty it was to see to such enrolment. If a criminal charge was brought against any member of the tithing, the

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other members were bound to produce him in the proper court of justice, or they were compelled to make compensation themselves for the wrong that he had done.

Judicial power of the Thanes in the County Courts.

With the exception of the local disputes in matters of small amount that might be settled in the tithing or in the hundred, the Thanes, assembled at the County Court, determined all civil controversies. The Anglo-Saxon laws were careful and minute in requiring all transfers of property and other contracts of any importance to be made as publicly as possible, so that when a dispute as to ownership arose, it might be decided by an appeal to the memory of the neighbours, and to public notoriety. Instances were not uncommon in civil disputes (and may have sometimes occurred in criminal proceedings), where a select number (and twelve was a favourite number among all the northern nations) were chosen from among the multitude present at the County Court, to whom the decision of the matter in dispute was committed, on account of their superior information respecting it, as well as by reason of the confidence which the litigants felt as to their integrity. We see here again some of the rudiments of the system of trial by jury, such as afterwards grew up, but by no means enough to warrant the assertion that trial by jury is an Anglo-Saxon institution.

Trials by twelve men.

Much interesting and amusing information respecting the social usages and domestic life of the Anglo-Saxons has been compiled in several well-known works, but the limits of this volume will not allow more than a very brief notice of them here. Agriculture was extensively though rudely practised, rye and oats being grown as well as wheat, and used as human food. Barley was largely cultivated, and beer had already

Agriculture.

become the national beverage. But we find also frequent mention of orchards and of vineyards.* Large herds of swine were bred and fattened in the extensive forests of beech and oak. Oxen and horses seem to have been bred in considerable numbers, and sheep were so numerous, that wool had already become the chief article for exportation. The sea-fisheries employed a great portion of the population of the coast; salt works were numerous in the same districts; and mines were worked, though seemingly not with the same activity and skill as in former times. Among home trades, the arts of embroidery and of working in gold appear to have been most successfully practised. There are proofs of Anglo-Saxon merchants carrying on commerce in many cities of France and in Italy. There was also considerable traffic with Ireland, with Flanders, with many of the German towns, with the Scandinavian kingdoms, and even with Iceland. Foreign merchants, while resident here, were under the special protection of the king. Chester, Bristol, Pevensey, Hythe, Dover, Sandwich, and, above all, London, are among the places mentioned as most resorted to for commercial purposes.

Trades.

Commerce.

There is only one other point in the Anglo-Saxon national character, as evidenced by the manners and customs of the people, which we can pause to notice, but it is a very important one. It is the great and general respect paid to women. This is proved to some extent by the laws and judicial records, which

Honour to women.

* "It seems needless to explain this extensive cultivation of the vine in England, by attributing to it a greater mildness of climate at that period, or to a change in the soil caused by constant tillage. It is enough to call to mind that here, as in other northern countries, among others the mark of Brandenburg, where the vine is said to have formerly flourished, much rougher and sourer wines were drunk not long ago, than those now in use, either mingled with sweet ingredients or made into various preparations." —Lappenberg, vol. ii. p. 360.

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show that a woman could hold lands and other property, and that she could bequeath them and deal with them as freely as a man could deal with his. But it is proved in a far higher degree by the numerous drawings and illuminations to be found in the old manuscripts, and which represent scenes of outdoor and indoor common life. We find in them no signs of the women of the household being treated as the inferiors of the men. Both sexes are seated together at meals, both appear assembled together at festivals.* The Saxon lady, Hlæfdige, stands by the side of the lord, Hlaford, of the mansion, while they distribute bread to their poor retainers. And, what is equally significant of national good feeling and true civilisation in a people, it is clear that women were not employed among the Anglo-Saxons in the laborious duties of agriculture, or generally in any outdoor occupation.

Saxon language and literature.

One subject yet commands our attention. What was the state of the language and the literature of our country in Saxon times? We are irresistibly drawn to the consideration of the Anglo-Saxon language, because it is essentially our own language; and also because it is a language which is now overspreading the world more than ever was done before by any other language ancient or modern.† It may also be observed that ours is the only modern language which, at so early a period of its existence as the Anglo-Saxon stage of English, developed a literature not consisting of mere ballads and legal formulas, but a

* See Pictorial History of England, vol. i. book iv. chaps. 2 and 4.

† We may cite as to this the testimony of the great German philologist, Grimm. "The English language may with reason call itself an universal language, and seems chosen, like the English people, to rule in future times, in a still greater degree in all the corners of the earth."

literature both copious and varied, and which even now well deserves study for its own sake, as well as for its connection with the English of after-ages.

Saxon the staple of English.

That Anglo-Saxon and English are essentially the same language, though many additions have been made in the course of centuries to the primary Anglo-Saxon element, is a fact in philology too clear to require any demonstration in these pages.* A common mode of proving how far the Anglo-Saxon retains its predominance, is to take some piece of English, such as is current among us, and to note how the number of Saxon words in it exceeds those of Latin or other non-Saxon origin. But a stronger proof may be obtained by the following method. Take a page out of any standard modern English author, and try to make it a page of Saxon words only, by striking out all the words of Latin origin, and introducing Saxon equivalents. Unless you have purposely chosen a page of metaphysics, or of scientific discussion full of technical terms, you will be able to Saxonise it. Your page will be very uncouth, it will be deformed with awkward circumlocutions and repetitions, and with ludicrous combinations of words; but still it may be made grammatical and intelligible. But if you try to strike out all the Saxon words, and to replace them with Latin or others, you will find that the subject matter of your experiment falls to pieces. You may find (though with very great difficulty) your new verbs, nouns, and adjectives; but the prepositions, conjunctions, and other little unpretending but indispensable particles, will have vanished irreplaceably. Your process will be like that of providing new timber for a

* The most important points as to the growth of English out of Anglo-Saxon will be found well brought together in Dr. Latham's little book on the English Language.

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ship, but with the entire loss of her nails, bolts, and all other fastenings.

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Anglo-Saxon poetry.

Poetry is the branch of Anglo-Saxon literature of which the most valuable specimens have been preserved. The Anglo-Saxon poems were not written in rhyme, but in short alliterative lines, so framed and so arranged by the best writers, as to produce an extremely agreeable and effective rhythmical modulation. The finest Anglo-Saxon verses are to be found in the Epic poetry of Ceadmon (some think that there were two writers of that name), on the Creation, the Fall of the Rebel Angels, the Temptation of Man, and other Scriptural subjects. The passages in Ceadmon which describe Satan and his host when first whelmed in their place of punishment, and the address of the rebel archangel to his fallen followers, may well stand comparison with the analogous passages in Milton.

Alfred's writings.

King Alfred's writings form the most valuable part of prose Anglo-Saxon literature. Alfred's works are nominally translations; but they contain so much original matter, that we have a right to regard them as being to a great extent the genuine productions of an Anglo-Saxon mind, as well as the expressions of an Anglo-Saxon tongue. This is particularly the case in Alfred's version of the general history of the world by Orosius, and in his paraphrase of the metrical portions of Boethius's Consolations of Philosophy. The sacred literature of the Anglo-Saxons which has been preserved to our times is very copious. It is remarkable not only for the number of homilies and other original religious compositions, but for its numerous versions, some rhythmical, some in plain prose, of large portions of the Holy Bible. Certainly the Anglo-Saxons cannot be said to have been less submissive to the Church of Rome, or less prone to superstitious legends and

Numerous translations of portions of the Scriptures into Anglo-Saxon.

usages, than were their fellow Christians in continental Europe. But it is clear that the people of Anglo-Saxon England were accustomed to read God's Word in their own language; and that Anglo-Saxon rulers and ecclesiastics* were diligent in providing the means, and in encouraging a zeal, for this study.

* Especially King Alfred and Bishop Alfric.

CHAPTER VII.

Norman element of our population the fourth and last—Distinction between the Danish and the Norman elements—Rolf the Ganger's settlement in Neustria—The province ceded to him by the Frank King—Rolf becomes Duke Rollo of Normandy—Conversion of the Normans—Mixture of French blood—Norman nationality—Norman character—General history of Europe during the century and a half between Duke Rollo and William the Conqueror—Hungarians repulsed and converted—The Roman-Germanic empire—Power of Otho the Great and his two immediate successors—Condition of Italy—Temporary ascendancy of the Emperors over the Popes—The power of the Popes revived; and new pretensions and schemes to extend it—Genius and projects of Hildebrand, afterwards Gregory VII.—State of France—Independence of the Norman dukes, and of the local rulers generally—Internal condition and government of Normandy—The Norman nobles—Misery of the peasantry—Social changes in mediæval Europe—increased power of the nobility—Their manner of life—Personal character of William the Conqueror—His early troubles—His dangers in England—Harold's shipwreck and captivity in Normandy—His oath to William—William resolves, on King Edward's death, to make himself King of England—His preparations for invasion—He obtains the support of the Pope—England first invaded by the Norwegian King, Harold Hardred—The English King Harold conquers the Norwegians—Duke William lands in the South—Battle of Hastings—Coronation of William—Rising of the English promptly and cruelly repressed—William's policy towards his Norman barons, and towards his English subjects—Doomsday book—Domestic wars against William—His death—Scenes at his burial.

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WE had paused at the accession of the last Anglo-Saxon king to the throne of England; and we now approach the period of the Norman Conquest, the last of the four conquests of our islands.* This too is the period when the fourth and last of the great elements

* See Les Quatres Conquêtes de l'Angleterre, son histoire et ses institutions, sous le Romains, les Anglo-Saxons, les Danois, et les Normans. Par M. Emile de Bonnechose.

of our population was introduced—when the Norman race was established here, which slowly blended with the other three races which it found here, with the Romano-Celtic, the Anglo-Saxon, and the Danish, till from their union was formed the present English nation, such as it has existed with no further change of nationality for full six hundred years.

Difference between the Danes and the Normans.

The Norman element of our nation may, at first sight, appear to be a mere repetition of the Danish. The original seat of both Normans and Danes was Scandinavia. But there is this important distinction. The Danes came to England direct from their Scandinavian homes. They were Danes and nothing else, till they became Anglo-Danes. But the Norman race had been settled in France for more than a century and a half, between the time when the Norwegian Sea-king, Rolf, became Rollo, first Duke of Normandy, and the time when his descendant, Duke William, crossed the Channel from Normandy hither, and became William the Conqueror, King of England. During this long period, the Scandinavian blood of the Normans in Normandy had been largely tinged by the admixture of that of other races. Rolf himself was a Norwegian rover, who at first plundered Norwegian as well as other coasts; but for this he was banished from Norway by King Harold Härfager, about the year 870. The bold outlaw joined his Scandinavian kinsmen, who were harrying Saxon England. He became a chosen leader among the Danes, and formed a treaty of alliance with Alfred's great opponent Guthrun. France, however, then presented a more tempting field for plunder and conquest, and Rolf became terribly celebrated among the Northern chieftains who ravaged that unhappy country so fearfully during the latter part of the ninth and the commence-

Early career of Rolf the Ganger.

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ment of the tenth centuries. But tall, striding Rolf (Rolf the Ganger,* as his countrymen called him), surpassed his comrades in intellect as well as in length and strength of limb. He determined to have empire as well as booty; to found a State, as well as to command a host. He and his Norse warriors took permanent possession of the city of Rouen and of the neighbouring country, parting it among them in old Scandinavian fashion, by the rope. After a long series of wars, the French king (912) formally ceded to Rolf the fair province which Rolf already firmly held, and Neustria thenceforth was named Normandy, after its new masters. Like his old friend Guthrun, Rolf, on being thus recognised as the ruler of part of a Christian country, became, in profession at least, a Christian. He and his principal warriors were immediately baptized, the French king being godfather to Rolf or Rollo, as the French chronicler terms him, and also giving his daughter in marriage to this powerful new friend and proselyte. Rolf had been previously married (only, however, according to the rites of Norse heathendom) to Pepa, the daughter of Count Berengar, of Bayeux.

He takes permanent possession of part of Neustria.

The province is ceded to him and becomes Normandy.

Rolf is converted and becomes Duke Rollo.

Rollo's warriors, his men, and his barons, who settled with him in Normandy, must, like their leader, have married French wives; so that the Normans in Normandy must, even as early as the second generation, have been half of French blood. This last was itself a very mixed current. The old Celts of Gaul, whom Cæsar conquered, had been deeply Romanised long before Rome's western empire fell; and afterwards the conquering German tribes of Burgundians, Allemanni,

French admixture with Normans.

* In Snorre's Heimskringla, Rolf is described as of so huge a stature that no horse could bear him, whence he was compelled to go on foot and was called Rolf (or Hrôlf) Gaunger.

and, above all, of the Franks, had been fused with the Romanesque provincials. Hence the Normans of the time of William the Conquerer were a very composite race, into which the Celtic, the Roman, and the German elements entered largely, as well as the Scandinavian. But the Normans of Normandy, from whatever sources they had sprung, had long before William's accession shown and retained a marked nationality of their own. There was a decided and unmistakeable Norman character. The Normans were pre-eminent not only for military daring and resolution, but also for their aptness for skilful subordination and steady discipline. They combined the love of personal freedom with a sense of the necessity of self-controlling organisation. They had a keen appreciation of intellectual as of physical power; and they honoured intellect as it is displayed by the Scholar, the Architect, the Poet, the Philosopher, and the Jurist, as much as in its manifestations by the Statesman and by the General. They honoured also intellectual excellence whenever and by whomsoever it was shown. They were liberal in rewarding it, and in inducing the renowned writers and teachers of the time to make Normandy their adopted if not their native home. On the other hand, the Normans were contentious in the extreme. They were unscrupulous in state-craft. They were remorseless in vindictive and even in precautionary cruelty. They were brutally contemptuous of the rights and feelings of the yeoman, the trader, the artisan, the peasant—of all who would be included in what we now term the middle and lower classes of society.

Distinct Norman character.

The century and a half which passed between the establishment of Rolf and his warriors as masters of Normandy, and the conquest of England by their

Importance of the time which intervened

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between Rolf's settlement in Normandy and the Norman conquest of England.

descendants, forms an important period in mediæval history. When we last glanced at the general history of Europe* we had occasion to contrast the prosperity of England during the last years of Alfred's reign, during Athelstane's, Edward the Elder's, and Edgar's reigns, with the misery which was then prevalent over continental Christendom. Some alleviation of this wretchedness was caused by the successful resistance which the Germans at last made to the Hungarian desolators, especially by the great victory of the Lechfeld, which the Emperor Otho the Great gained over the Magyars in 955. Soon after this the Hungarians were converted to Christianity, and became an important bulwark of Central and Western Europe, instead of continuing to be its most dreaded scourge. Continental Europe also, as well as England, felt the benefit of the consolidation of the Scandinavian kingdoms, of the conversion of their inhabitants, and of the cessation of the marauding cruises of the Norse Sea-kings. But in the south, the Saracens were still active and formidable; and the constant peril of Mahometan invasion called forth the energies of the Christian warriors of every race for the defence of Christendom, and also for retaliatory attacks upon the adherents of the rival faith of Islam.

Revival of the Romano-Germanic empire.

It has been mentioned that the deliverance of civilised Europe from the Hungarians was due to the Germans; and the necessity which the Germans found of combining under one chief against the Hungarians caused the new revival of the Roman Empire, or, rather, of the creation of "The Holy Roman Empire," which endured until the present century.† The rise of this empire, its relations with the Italians, and

* P. 153, *supra*.

† See Bryce's Holy Roman Empire.

especially its conflicts with the Papacy, are subjects which must not be neglected by the student, who desires to comprehend the history of England, or of any other State of Christendom, during an important part of the Middle Ages.

Importance of the conflicts between the Emperor and the Popes.

Neither of the two first leaders of partially re-united Germany (Conrad of Franconia, 912—918, and Henry the Fowler, 918—936), assumed the imperial title, or exercised any power in Italy. But on the death of King Henry the Fowler, his son, Otho the Great, came to the German throne with a fixed resolution to revive and enforce the claims of his Carlovingian predecessors. He was determined to realise at least the idea of a Romano-Germanic Empire; even if it should prove impossible to re-unite France with the dominions eastward of the Rhine and the Rhone.

Italy had at this time relapsed into much the same state of confusion and weakness, in which she had been found by Charlemagne a hundred and fifty years previously. In the north a Lombard chief ruled over a large part of the Peninsula. Ravenna, with a district near it, was again governed by Greek officers sent from Constantinople. In Rome, a turbulent populace and a ferocious nobility warred with each other, with their Popes, and with the inhabitants of the neighbouring cities. In the south, numerous Lombard petty princes strove with each other and with invading Saracens. Weary of this anarchy and wretchedness, the Italians looked to the great German sovereigns, who had crushed the might of the once universally-dreaded heathen Hungarians. In 960 a solemn deputation from the prelates and nobles of Lombardy, and from John XII., Pope of Rome, implored the interposition of Otho, as Imperial Lord of Italy. At the head of a victorious and veteran army, Otho speedily made him-

Power of Otho the Great.

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self master of Lombardy, and was crowned King of Italy at Milan. He thence advanced to Rome; and there, on the 2nd of February, 962, he was anointed and proclaimed Augustus by the Pope; and the Roman people, as well as their Pontiff, swore allegiance to Otho as Emperor of the Romans. In return for this, Otho granted and confirmed to the see of St. Peter the endowments formerly given by Charlemagne; ordaining at the same time the mode of election to the Papacy; and reserving to himself, as Emperor, a supreme appellate jurisdiction.

During the reigns of Otho the Great and his two immediate successors, the superiority of the Emperor over the Pope, of the temporal government over the sacerdotal authority, was unquestionable and unquestioned.

Decline of the Imperial and increase of the Papal power.

After the death of Otho III. in 1002, the empire fell into confusion and comparative feebleness: and the Papal power began to acquire the ascendency. The great change in the relations between the temporal sovereigns and the Popes, which was effected during the eleventh century, was mainly due to the genius and energy of a single great man,—of Hildebrand, who directed the Papal councils during the Pontificates of Stephen IX., Nicholas II., and Alexander II.; and became Pope in 1073, with the title of Gregory VII. Hildebrand resolved that the elections to the Papacy should no longer be dependent on the Emperors, but should be conducted by the clergy of Rome alone. He accomplished this great revolution; but it was far from being the limit of the designs which he formed, and which his successors zealously adopted. Hildebrand determined to make the sovereigns of Europe abandon all interference with the elections of bishops and other church dignitaries. So far, he might appear to be acting only for the protection of the clerical

Hildebrand's mighty schemes for making the Church predominant over the State.

order. But he went much further. He formed and maintained the daring and specious scheme of establishing the universal supremacy of the Pope over all temporal authorities, and of making emperors, kings, dukes, counts, barons, senators, and chiefs, whatever their rank or nation, admit the Pope's right to interfere in State affairs, whenever he saw grievous wrong in the dealings of State with State, or in the internal government of a single State, or even in the private conduct of individual rulers. Hildebrand, though not yet nominally Pope, was the practical chief of the Romish Church at the time when Duke William of Normandy planned the conquest of England.

France had been weak and disunited when the Normans made their settlement in her; and she continued weak and disunited throughout the reigns of her last Carlovingian kings, and those of her first kings of the Capetian dynasty. The Dukes of Normandy were in all matters of importance independent princes, though they formally acknowledged the paramount dignity of the French crown. By far the greater part of the rest of France were similarly ruled by Counts and Dukes, who professed to acknowledge the King who reigned in Paris, but made war on him (as they did upon each other) when they pleased, without remorse or hesitation.

Condition of Normandy under her Dukes.

Of the internal government and condition of Normandy under its Dukes we know but little, beyond some general facts. The Normans had thoroughly ceased to regard themselves as Scandinavians long before William's time. They spoke the French language: they adopted the French garb and customs. But though Normandy had its share of the wars and tumults of those times, stricter law and better order were maintained in her, than in the rest of France;

Normans cease to be Scandinavians, and become half-French.

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and, as a certain consequence, there was more wealth and prosperity in her, than in other French provinces. All her Dukes, from Rollo to William, were men of remarkable intellectual power; and they gradually made their princely dignity more and more respected both at home and abroad. But the Norman nobles, the descendants of the free sea-rovers, who had followed Jarl Rolf only as a freely chosen chief, never sank into the condition of subjects of an arbitrary ruler. It is clear that the Norman warriors met in council with their Duke to determine all important matters of State; though the number of those who attended became gradually less, and it is probable that at last the right of so attending was exercised and claimed by only a comparatively small number, by those who had wealth and rank, and who constituted the Norman nobility. The condition of the peasantry of Normandy, the descendants of the old Neustrian population, under their Norman masters, was degraded and wretched in the extreme.

Remarkable intellectual ability of the Norman Dukes.

Independence of the nobles.

Misery of the peasantry.

On the whole, the century and a half which we are contemplating, the period of the history of the Normans of Normandy before they became Anglo-Normans, was a period during which in continental Europe generally the power, pride, and predominance of the nobility, as of a distinct order from the mass of the nation, grew rapidly, and assumed a peculiar social as well as political organisation. For the sake of self-defence amid the almost universal prevalence of both private and public warfare, as well as for ambitious purposes, each noble fortified his castle; and there, when not busied in the campaign, in the foray, or in the pilgrimage, he dwelt in his stronghold with his family and his band of favourite retainers round him. The management of arms and horses was regarded as the

General increase in Europe of the power of the nobility.

only occupation fit for youths of gentle birth. The court-yard of each castle, and the level meads that lay nearest to the walls, supplied training-grounds where martial exercises where zealously practised: and the skill and strength there acquired gave the heavily-armed horsemen of the nobles a real superiority in battle, which must have tended still more to increase their pride as a distinct class, and their scorn of the masses, on whom they literally trampled.

Love of the nobles for the chase.

Forest-laws.

The chase was the favourite amusement, that relieved the monotony of the life of these warriors in peace-time; and, in order to secure abundance of game for them, forest-laws of oppressive restriction and of sanguinary severity were enacted. The fowl of the air, the fish of the river, the wild beast of the wood, were no longer free objects for any man to capture or slay, and to make his own at will. Death or mutilation was the doom of the peasant or other unprivileged person, who ventured (even in protection of his own crops) to meddle with the animals that were consecrated to the pastimes of his superiors. Nowhere in Europe were those primitive game-laws more oppressive than in Normandy; and they were the principal cause of a formidable insurrection of the peasantry against their lords in the time of Duke William's grandfather, which was quelled by an armed force that captured the assembled chiefs of the insurgents. The Norman nobleman, who commanded Duke Richard's troops on this occasion, forthwith cut off his prisoners' hands and feet, and "sent them back in that helpless state to their comrades, to check them from such practices, and to be a warning to them not to expose themselves to something worse. And when the peasants received this lesson, they returned to their proper places at their ploughs." Such is the comment made

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by William de Jumièges, the Norman writer, who has recorded this insurrection; and who, like other Norman lords, saw nothing but goodness and justice in the laws, which had goaded these unhappy men into rebellion, or in the punishments, by which that rebellion was put down.

Softening and elevating influences of ladies' society on the mediæval nobles.

A life like that which we have been describing as ordinarily led by the European nobility of those times, a life of training and fighting, of hawking and hunting, must needs have fostered much wildness and ferocity of character. The men, who lived thus, would have been more wild and ferocious still, if it had not been for the graceful and dignifying influences of female society. The wives and sisters and daughters of the warrior-nobles dwelt in the castles with them, neither degraded into menial attendants, nor secluded in separate apartments, but treated as honoured friends and equals; if, indeed, it would not be more correct to say that a superior station was assigned to them by the sentiments, as well as by the manners and fashions of the age. No European nation, into which the Germanic element largely entered, ever lost that feeling, which has been spoken of as one of the noblest characteristics of the ancient Germans, the feeling of respect for women. In the closely-pent domestic circle of the baronial stronghold, the noble ladies of the chieftain's family were regarded with almost superstitious reverence; and the hope of praise from their lips could stimulate valour to deeds of the most enthusiastic and romantic daring.

Strong family attachments.

Within the same sphere all domestic attachments gained naturally intense strength; and with a passionate ardour for enterprise and adventure were generally blended a deep love of the ancestral home, and a keen susceptibility to family ties and associations.

The minstrels.

The minstrel, with his lays of love and war, and

the pilgrim from far climes, with his tales of marvel and his sacred legends, were ever most welcome guests in the nobles' halls. Many of the high-born warriors themselves cultivated "the gentle art" of poetry with no slight distinction. But the poetry, in which the warriors of Normandy delighted, was not that of the vigorous Sagas of their Scandinavian sires. These, and the very language of Norway and Denmark, were utterly forgotten in the ducal court of Rouen by the time of William. Songs of the fabled prowess of Charlemagne and his peers had superseded the death-ode of Ragnar Lodbrog, and the legends of Odin and his Asa race. Much, doubtless, of this change was caused by the conversion of the Normans to the Christian creed; yet their kinsmen, who still dwelt in Scandinavia, retained their love for their old national lays and heroes after they had abandoned the old mythology. It is to French influence that we must mainly ascribe the broad alienation of the Normans from the language, the usages, and the institutions of their primitive fatherland, which had been effected during the years between Rollo's settlement in Gaul and William's expedition to England.

The Lays of Charlemagne.

Even before that great enterprise, the Normans had filled Christendom with their renown, by the brilliant exploits of their chivalry in distant lands, and by the power and dominion which Norman adventurers had acquired. A Norman knight, Roger of Toesny, fought in Spain with unequalled valour against the Arabs, and won the hand of the heiress of Barcelona. The sons of another Norman knight, Tancred of Hauteville, conquered Apulia, Calabria, and Sicily. The Normans, thus established in Southern Italy and its neighbourhood, became the firmest and best allies of

Renown of the Norman chivalry as conquerors in Spain, in Italy, and Sicily.

CHAP. VII.

1035—66.

the Popes in the strife between the Romish See and the Empire. The warlike youth of Normandy heard of these conquests with emulative pride; and were eager for enterprises in which they, like their kinsmen, might find wealth and glory, when Duke William summoned them to follow him in his bold attempt upon the fair and fertile English isle.

Character of William.

William himself at this time was in the prime of manhood. He was renowned for his personal strength and valour,* for his horsemanship, for the skill with which he wielded his weapons, and, above all, for his might and dexterity in the use of the bow. But he was also far more than a formidable combatant. His capacity as a general, and as an organiser of forces, surpassed any that had been for centuries displayed in Western Europe. He was far-sighted and comprehensive in his statesmanship, bold in forming his projects, but bringing consummate prudence as well as undaunted energy to their execution. Not wantonly wasteful of life, and not loving oppression for oppression's sake, he was utterly unchecked by mercy or remorse, if the infliction of any amount of suffering or slaughter seemed calculated to advance his schemes or ensure his power. A keen and subtle observer of human nature, and of the passions and prejudices of his age, William never lost an opportunity of enrolling moral as well as physical force on his side. His high natural abilities had been developed and matured, while he was yet very young, in the best training-school of princes—adversity. He was the illegitimate son of Duke Robert, surnamed Robert the Devil, and of

His youth of trouble.

* After William's campaign against the Count of Anjou, in 1052, the admiration of his contemporaries for the personal prowess displayed by him was shown in presents of war-horses and of armour, which were sent to him by the King of Castile, the Duke of Gascony, the Count of Auvergne, and other distant princes.

Arletta, the daughter of a tanner of Falaise. Duke Robert died in 1035, while on his return from a pilgrimage to Jerusalem; and William, whom he had recommended to his nobles as his successor, was then a mere child. The Norman noble, Count Gilbert, who had been appointed young William's guardian, tried to seize on the sovereignty for himself. Other Norman nobles opposed him; and the duchy was for many years a scene of almost incessant civil war, aggravated by the selfish interpositions of the French kings. William grew up amid perils and privations, winning the hearts of the bravest of his countrymen, as he approached manhood, by his brilliant valour; and teaching himself also how to thwart or crush either domestic or foreign foes with the machinations of policy, as well as with the weapons of war.

His power and ambition.

When William, after many years of strife, found himself in secure possession of his Norman duchy, and when he had assured the independence and augmented the power of Normandy, by repeated victories over the French king, the Count of Anjou, the Duke of Brittany, and other neighbouring rulers, he saw in England a tempting field for aggrandisement on a far more splendid scale. He was cousin to King Edward the Confessor, and we have already observed* how much that prince retained the effects of his education in Normandy, how strongly he was influenced by Norman favourites, and the extent to which he had advanced Normans to posts of the greatest importance in England. When the struggle between the Norman party in England and the national Saxon party, headed by Earl Godwin and his sons, seemed to be determined in favour of the strangers by the banishment of the

His relationship to King Edward the Confessor.

William's visit to England.

* See page 161, *supra*.

CHAP. VII.

1051–66.

Godwin family in 1051, William paid a visit to the English court, to obtain promises from his weak and childless relative with regard to the succession, and to make arrangements with his countrymen and partisans in England for securing the English crown immediately on Edward's death. The return of Earl Godwin and his sons to power, in 1052, appeared likely to overthrow the schemes of the Norman duke, but an accidental shipwreck a few years afterwards placed in his power Harold, the acknowledged chief of the Godwin family, and of the Saxon national party in England after the old earl's death in 1053. William treated Harold with all seeming honour and friendship, but in reality detained him from returning to England until he had obtained a pledge from him in favour of the Norman projects upon the kingdom of England. William told Harold that King Edward had promised to make him, Duke William, heir to the kingdom of England; and, partly by flattery, partly by the fear of prolonged detention, he induced Harold to agree to aid him in obtaining the realisation of King Edward's promise. He required Harold to bind himself by oath to do so, and the Saxon earl did not refuse. William summoned all his nobles together, and led Harold into this assembly. It is recorded —and it is most characteristic both of the craft of William, and of the spirit of the age—that the Norman duke had, without Harold's knowledge, collected all the relics of saints that were enshrined in the numerous churches and abbeys of Normandy, and were worshipped as objects of superhuman holiness, and as things endowed with superhuman power. The chest containing them was covered over, and a missal laid on it. William called on Harold to lay his hand on the missal, and to swear to keep his promise of aiding

Harold's shipwreck on the Norman coast.

His extorted oath.

him, William, to obtain the English crown after King Edward's death. Harold did as he was required; and then William, removing the covering of the chest, revealed to the awe-struck Saxon that he had pledged no common oath, but had sworn upon the very bones of the holy saints of God.

William claims and prepares to win the English Crown.

Harold returned to England: and when afterwards, in the first days of the year 1066, William received tidings that King Edward was dead, and that Harold had made himself king of England, the Norman duke determined to enforce his own claims by invasion and actual conquest. The project was gigantic; and William applied all the energies of his mind and body, all the resources of his duchy, and all the influence he possessed among his feudatories or allies, to the preparation of such a force, as should be worthy of the great cast upon which he resolved to risk himself and his fortunes. At the same time he neglected no measures that might give his cause the appearance of right, and that might create a prejudice against his rival, and alienate or dishearten the Saxon king's supporters. He sent heralds to England, who publicly and solemnly reminded Harold of his oath, and required him to give up the crown to its true heir, Duke William. Harold replied, that in promising the kingdom of England he had promised that which did not belong to him. "My royalty," said he, "comes to me from my people, and without my people's consent I cannot lay it down." William next proposed to submit their rival claims to the decision of the Pope. As might have been expected, and as William doubtless had foreseen, this offer was declined by the English king. But William formally and ostentatiously requested the Pope to give a judgment on the matter; and delegates were sent from Normandy to Rome, who solemnly argued in

The Pope favours William's claim.

CHAP. VII. 1066.

favour of William and against Harold, urging against the latter his perjury in not fulfilling his promise to William, his neglect to make the accustomed payments of Peter's pence to Rome, and his sacrilege in deposing an archbishop of Canterbury, and appointing another one without the papal sanction. The aspiring genius of Cardinal Hildebrand (by whom Pope Alexander II. was entirely guided*) eagerly embraced this opportunity of practically asserting the papal supremacy over things temporal as well as things spiritual. A Papal Bull was drawn up and published, in which it was decided that Edward had bequeathed the English throne to William, that the bequest was valid, and that William, as near relative and legatee of the late king, was the lawful king of England, and had a right to take possession of the kingdom. Together with this Bull the Pope sent to the Norman duke a ring, said to contain one of the hairs of the Apostle Peter, and a sacred banner bearing the figure of St. Peter, which the Pope had himself blessed and consecrated, as the banner under which Duke William and his host should invade and conquer England. William lost no time in publishing far and wide through Christendom the Pope's adjudication in his favour; and he announced his own intention of executing judgment on his perjured rival, and of pursuing and punishing Harold even in those places in which he thought he stood most securely. At the same time that William called on all true sons of the Church to join him in his hallowed enterprise, he appealed also to their more sordid and worldly feelings by offers of good Norman pay, and of ample donations of good English land to all who would serve him in the war. Bold and enthusi-

* See page 194, *supra*.

siastic adventurers from all parts of the Continent flocked to the banner of the Pope and Duke William, ready to dare everything, and capable of doing almost everything, for the sake of holiness, plunder, and glory. With the powers of Normandy thus reinforced, William had, by the middle of August, 1066, collected between the mouths of the Seine and the Orme an army of sixty thousand men. On the opposite side of the Channel, Harold had not been idle; and the largest fleet and army, that Saxon England had seen, were arrayed along the Kentish and Sussex coast to meet the threatening invaders. For a long time the north-eastern winds blew steadily, cooping William's armament on the French shore. His soldiers chafed and murmured at their compulsory inaction; but the seemingly adverse wind was, in reality, the Normans' best friend; and, during the period for which it compelled them to delay their attack, another enemy assailed a distant part of England, and drew Harold and his army away from the southern to the north-eastern coasts.

William's armament.

Harold's preparations for defence.

King Harald Hardrada of Norway, one of the bravest warriors that Scandinavia ever reared—and whose romantic adventures in the Eastern Empire as well as in Europe invest his name with peculiar interest—had been induced by the English king Harold's refugee brother, Tosti, to invade England, for the ostensible purpose of restoring Tosti to his provincial government in the north of England, but with the real design of conquering England for the Norse king himself. Harald Hardrada sailed with one of the most formidable armaments that the North had ever sent forth, and reached the Orkneys early in September. Thence he sailed to the Humber, where he landed his troops, and then marched upon York. He defeated the Earls Edwin

The Norwegian King invades the North of England.

CHAP. VII. 1066.

and Morcar, to whom Harold had confided the government of Northumbria. York opened its gates, and all the country from the Tyne to the Humber submitted to the Norwegian monarch. The tidings of these heavy losses compelled Harold to leave his position, where he was awaiting the expected attack of William, and to move rapidly against this new competitor for his throne. A great battle was fought between the two kings, near Stamford Bridge, on the 25th of September, in which, after a long and doubtful struggle, the English were completely victorious, and King Harald Hardrada, with the flower of Norway's warriors, perished on the field.

Harold's splendid victory over the Norwegians.

Harold now entered York as the deliverer of his country. His success had been splendid; but it was dearly bought by the necessity of leaving the south unguarded while he rescued the north. His fleet also, which he had collected with so much care, and had kept so long together, with the view of its intercepting the Norman invaders in the Channel, had dispersed during his absence, and left for a few weeks an unguarded sea, as well as an ungarrisoned coast. In this all-important interval the wind veered from the north-east to the westward, and William and his host eagerly embarked. The only peril they met with was from a gale that drove them along the French coast to St. Valéry, and wrecked many of the transports; but on the 27th of September a fair and gentle breeze from the south-west wafted the Normans towards the English shore, and on the 28th of September Duke William landed at Pevensey, his vast force effecting its disembarkation, without the least hinderance, at convenient parts of the coast between Bexhill and Winchelsea.

William lands without opposition.

William immediately concentrated his army at Hastings, fortifying his camp on the heights near the town,

William's camp at Hastings.

and setting up two wooden castles, which had been brought over in pieces ready prepared for placing together. Squadrons of troops were sent out to collect provisions from the neighbouring country, and they spread pillage and devastation for many miles through the interior.

The messengers, who came to apprise Harold that William was in England, found the Saxon king at York, where he was reposing with his troops after their late severe conflict with the Norwegians, in which he had himself received a wound, and in which many of his best and bravest soldiers had fallen. The necessity, also, of resettling the government of the districts, which had for a time acknowledged the Norwegian king, must have required the presence of Harold in the north for some few days after his victory. On hearing that his great Norman adversary had succeeded in disembarking with his army in Sussex, Harold instantly moved southward with all the available troops that were with him, and sent messengers to bid the provincial rulers of central and southern England levy as many men as possible, and assemble at London, whither Harold pushed forward by forced marches. He was loyally welcomed in his capital, and his summons to arms was everywhere promptly obeyed. But, instead of waiting in London until he could collect the full power of his kingdom, he hurried on with a small army to the south. The rapidity of his late march from Kent to Yorkshire had been one cause of his success over the Norwegians; and he may have hoped to find Duke William's troops as much separated one from another as he had found those of King Harald Hardrada. But, on approaching the Norman lines, he found that he had now to deal with an opponent as vigilant and skilful as he was

Harold's countermarch southward.

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1066.

Harold halts at Senlac.

brave. An assault upon the strong Norman camp on the heights of Hastings would have been madness, and Harold halted about seven miles off at a place then called Senlac, but afterwards named "Battle" by the Conqueror, in remembrance of the great contest of which it was the scene.

Skill with which he chose his ground.

Harold's position was admirably chosen for the purpose of barring the advance of the invaders from the coast. He occupied a small ridge of high ground, which extends immediately opposite to and across the end of a chain of hills that leads from Hastings inland. The English army posted there could not be attacked in front without the assailants encountering great disadvantage of ground; and an enemy could hardly turn it without exposing himself to a fatal charge in flank. In the rear of Senlac lay a rough and thickly-wooded district, which offered opportunities for the English to rally in, and was calculated to check the pursuit of the Norman cavalry, if the day should prove adverse to Harold. Nevertheless, his army was much inferior in numbers to the Norman, and he had very few horsemen and no bow-men to oppose to the splendid squadrons of cavalry, and to the large and well-trained force of archers, that Duke William was leading against him. Harold was advised by some of his officers to avoid a battle, and to retreat upon London, laying waste the country as he retired. Such a course would probably have been successful, for the Saxon fleet had now reassembled, and had cut off William from all communication with Normandy. As soon as the stores of provisions in the invaders' camp were exhausted, they must have marched from Sussex. If they advanced upon London, they would have arrived there weakened by famine; and Harold, with augmented forces, might have won an easy victory, or

might from the fortifications of his capital have witnessed his rival's destruction by want and disease without striking a single blow. But there was the risk that so skilful a general as William might decline to follow Harold over the wasted country towards London, and might move his forces into the rich and unprotected districts of western England, whence the Norman army (like the Danish under Sweyn, in 1013), could maintain invasive warfare against the rest of the realm. Moreover, Harold's bold blood, now elevated by his recent victory at Stamford Bridge, abhorred retreat; and he was also loath to inflict on his southern subjects the misery of their land being laid waste. Saying that "he would not burn houses and villages, neither would he take away the substance of his people," he prepared to receive the battle which the Norman Duke eagerly advanced to deliver. The invaders knew the peril of their situation, and were aware that their utter destruction would be the certain consequence of defeat. Prayers were read throughout their camp, and the confessions of the warriors were received by the numerous attendant priests, many of whom, like Bishop Odo, William's half-brother, did service in the battle as well as before it. On the English side overweening confidence and careless jollity prevailed; and the noise of revelry resounded from the Saxon tents late into the night which was to lead to a disastrous day.

CHAP. VII. 1066.

On the morning of the 14th of October, 1066, Harold arrayed his men in close order along the crest of Mount Senlac. His directions were imperative that no English troops should advance from the lines, and that his men should simply stand their ground against the enemy's attacks. On the other side, William threw his archers forward in an advanced line; behind these

Battle of Hastings.

CHAP. VII. 1066.

marched his infantry, and the third line was composed of cavalry, drawn up in three squadrons, of which the centre was headed by William in person. The Norman archers began the battle with volleys of arrows, from which the English, covering themselves with their long shields, sustained but trifling loss. Then the Norman foot-soldiers moved forward, and vainly endeavoured to break the Saxon ranks. After their failure, the magnificent squadrons of the Continental horsemen dashed up the hill, but were utterly foiled by the stubborn, steady valour of the English infantry. Armed with long battle-axes, and their almost equally formidable bills, and aided by the vantage of the ground, the sinewy Saxons broke the spears of the foemen, and smote through helmets and coats of mail. Charge after charge was repeated and repulsed. The Normans began to lose heart, and their left wing fell into disorder and was abandoning the field. William rode up to rally them, but was at first carried away by the throng of fugitives. His horse fell with him, and a report spread through the Norman army that the Duke was dead. William mounted another horse and rode unhelmeted among his troops, calling out, "Look at me! I am alive, and, with God's help, I mean to win!" Aided vigorously by his half-brother, Bishop Odo, he at length succeeded in restoring order among his squadrons, and he cut off with heavy slaughter some bands of the English which had quitted their lines to pursue the retiring Normans. William now applied himself to obtain by skill the victory, which he could not wrest from his foe by force. He arrayed his heavy infantry and his horse for a combined attack, and placed his archers in the rear, with orders to shoot high over their comrades' heads, so that the arrows might drop nearly vertically upon the English. This

At first in favour of the English.

embarrassed the English greatly in their defence against the advancing columns, and an arrow shot thus at a venture struck King Harold in the eye, as he stood in front of the royal standard of England, which was waving in the Saxon centre. The wound, though not immediately mortal, was fatal both to him and his kingdom, for he could now no longer fight or give command; and the effect of the loss of their leader to the English was soon apparent. William had not even yet broken the English line, but he now tried the stratagem of a retreat and a feigned flight. Large numbers of the English, no longer restrained by their king, quitted their post, and rushed down the hill in disorderly pursuit; and then William, wheeling his cavalry round, slaughtered them with ease, and again charged furiously on the English line, in which huge gaps had been left by that rash advance. The Saxon ranks were broken, but still they fought on desperately. At last the Normans clove their way to the standard, near which the wounded Harold had remained. He was killed at its foot, and with him died his two brothers, Gurth and Leofwine, fighting most bravely to the last. The English standard was thrown down, and the banner of the Normans, which the Pope had blessed for William, was planted over it. The Saxons now gave up the contest, and retired into the woods in the rear of the position which they had so valiantly though vainly defended. They rallied in the forest, and, aided by the nature of the ground and their knowledge of the country, destroyed many of the Normans who pursued them. Those last blows dealt by them to the invader proved their stubborn courage, as well as the skill with which Harold had chosen his battle-ground. But there was now no one to reunite and command them. Their best chiefs lay dead or dying round their

An arrow blinds Harold and decides the fate of England.

Victory of the Normans.

CHAP. VII. 1066.

dead king * and his dead brothers, and the remnant of the Saxon army dispersed to their homes. William had lost a fourth of his army in the long and obstinate fight, but his success was complete and decisive. He founded an abbey (the remains of which still bear the name of Battle Abbey) on the scene of action, so placed that the high altar (the site of which is even now distinguishable) stood on the very spot where the Saxon standard had waved, where Harold had fought and fallen, and where the Norman banner had been upraised, and the conquering Duke had feasted in triumph amid the corpses of his foes, at the end of the great battle, which has taken its name from the neighbouring town, and is known in history as the Battle of Hastings.

Battle Abbey.

The Saxons in London make a show of resistance, but soon surrender.

Many Saxons of high rank and influence, who had not accompanied Harold in his rapid march, were assembled in London, when the news arrived of their king's defeat and death. Edgar Atheling, the natural heir of King Edward the Confessor, was among them, and the Saxon nobles proclaimed him their king; and for a while made a show of preparing to resist the Normans. But Edgar was too young to be master of such a situation; and the chief surviving Saxon nobles were far warmer in their jealousy of each other than in their zeal against the foreigners. An illness which befel William soon after his victory, and which detained him for a month, gave an opportunity to the English for reorganising their forces, which they neglected; and when, towards the close of the year, the Normans moved upon London, spreading their

* A tradition has been preserved that Harold escaped from Senlac, and, after many years of seclusion, died a monk. But there seems no reason to doubt the common account that his dead body was discovered among the heaps of carnage by his mistress, Editha the Swan-necked, and that it was buried in Waltham Abbey, which Harold himself had founded.

squadrons and wasting the country to the east and the west, the chiefs of the Saxon clergy and nobility, and the helpless Edgar Atheling himself, went to the invaders' camp, and acknowledged the Norman Duke as their lord and king.

William crowned King of England.

William was crowned King of England at Westminster, on Christmas Day, 1066. He secured his mastery of southern and central England by strong detachments of his army, placed in cities and other advantageous posts, which he took care to have strongly fortified. In the north and in the west no Normans had yet appeared. William's first measures of government towards his new subjects were mild and just, in comparison with his subsequent rule. The confiscation of the vast estates of Harold and his family, and of Harold's principal adherents, was regarded as the natural exercise of the rights of victory; and the possession of these, and of the large royal domains and treasures which had belonged to King Edward, enabled William to make grants to his Norman followers, which appeased for a time, though it was impossible to satiate, their rapacity. The new king promised that he would respect the laws and customs of his English subjects, and that all who submitted to him should be secured in the possession of their property. But he could not wholly restrain the licentiousness and the oppressiveness of his soldiery towards the natives; and during his temporary absence in Normandy, in the year after his victory, the rule of his brother Bishop Odo, of William Fitz-Osborne, his newly-made Bishop of Hereford, and of the other Norman prelates and nobles whom he had left in England, was so tyrannical, that insurrections broke out; and severe losses were inflicted on the Normans in many encounters. William returned with fresh

His government at first comparatively mild.

Growing oppression of the Normans.

CHAP. VII.

1067—69.

forces, and with stern determination to make thorough his conquest. His disciplined troops and his own high military genius ensured his ultimate success over the unconnected masses that opposed him. But the resistance of the English in many districts was maintained with great bravery, especially in the Isle of Ely, where the gallant Hereward long defied the valour and the skill of William's captains, and even of William himself; though this "Last of the Saxons" (as Hereward deserves to be styled) was ultimately obliged to yield to the superior resources and unwearied perseverance of the invaders. The Saxons obtained occasional assistance from Scotland and from Scandinavia; but this only made William more cruel in his warfare, and more oppressive in the precautionary measures which he took to confirm his power. Large as must have been the numbers of the English, who died in their vain struggles against him, the numbers of those who were massacred in cold blood, by his command, were larger still; and even more must have perished by famine and by pestilence, caused by his merciless devastations of wide tracts of territory, when such acts seemed calculated to promote the success of his plans, and to embarrass the designs of his enemies. The worst of these atrocities was committed by him in the winter of 1069. The near affinity between the population of the north of England and the Norwegians and Danes made it probable that any forces, that might come from Scandinavia to help the natives against their new conquerors, would land on the coast of the northern counties, and would establish themselves in the occupation of that part of the realm, before they advanced into other districts. And in the autumn of 1069 there had actually been a rising in the north, in which a Danish fleet and army

Stern policy of William.

The conquest is made thorough.

co-operated with the insurgent English against the Normans. After this movement had been quelled, and the Danes driven, though with difficulty, from the coast, William determined to make himself sure against similar perils for the future; and in the winter of that dreadful year he made his soldiery lay waste the whole country between the Humber and the Tyne. A contemporaneous writer, Ordericus Vitalis, an Englishman by birth, but a Norman monk for great part of his life, and who is generally the unscrupulous eulogist of the Conqueror, speaks thus of William's devastation of Northumbria :—

The wasting of the North.

"He extended his posts over a space of one hundred miles. He smote most of the inhabitants with the edge of the avenging sword: he destroyed the hiding-places of others: he laid waste their lands: he burned their houses, with all that was therein. Nowhere else did William act with such cruelty: and in this instance he shamefully gave way to evil passions; while he scorned to rule his own wrath, he cut off the guilty and innocent with equal severity. For, excited by anger, he bade the crops, and the herds, and the household stuff, and every description of food, to be gathered in heaps, and to be set light to and utterly destroyed altogether—so that all sustenance for man or beast should be at once wasted throughout all the region beyond the Humber. Whence there raged grievous want far and wide throughout England; such a misery of famine involved the helpless people, that there perished of Christian human beings, of either sex and every age, upwards of a hundred thousand."

The New Forest.

Another large district of seventeen thousand acres, in the south of England, between Winchester and the sea, was desolated by William in order to enlarge the ancient forest of Yetene, and to form a New Forest,

CHAP. VII.

1070—85.

where he might indulge his passionate fondness for the chase. The churches and villages within their bounds were mercilessly destroyed, and the population of sixty parishes left homeless and destitute, for the sake of the mere sport of the royal hunter. Other forests were enlarged by similar measures. New laws of extreme cruelty were made for the preservation of the beasts of chase. The Saxon chronicler briefly but expressively describes this part of William's tyranny, by saying that "He made many deer-parks; and he established laws, so that whosoever killed a hart, or a hind, or a boar, should be blinded; for William loved the high game as if he were their father."

Cruelty of William as a game preserver.

Many English emigrate.

The great Norman leaders, to whom William gave ample domains, which had formerly belonged to Saxon nobles, imitated their master in his harshness to the conquered population. Each vain insurrection of the English was followed by sweeping confiscations: and many of the native thanes abandoned their homes and lands to seek a refuge from Norman tyranny in Scotland and other foreign countries. Before the close of William's reign, by far the greater part of the landed property of the country had passed into the hands of the invaders. Foreign monks were brought over and installed in the English bishoprics, and in the wealthiest abbacies. Some of these ecclesiastics, especially Archbishop Lanfranc, were eminent for their learning and religious zeal. But the greater number of them resembled William's half-brother, Bishop Odo, in their rapacity and in their insolence towards the English. Altogether the condition of the conquered population under William and his first three successors seems to have been one of such debasement and misery, as it would be difficult for any pen to exaggerate. The brief but bitter ejaculations of anguish, which abound

Misery of the Saxon population

in the Saxon chroniclers, bear emphatic testimony to it. One of these old writers tells us that he forbore narrating in detail the conduct of the Normans to his countrymen, "because it was hard to express in words, and because it would appear incredible by reason of its excessive barbarity."

Merits of William's government.

But William does not deserve to be looked on as a mere savage destroyer of his fellow-creatures, loving carnage and ruin for their own sakes. It is impossible not to recognise and admire in him the sagacious mind, which can originate and establish regular and permanent systems of government and social rule, as well as overthrow, if need be, the institutions of others. We shall have occasion hereafter to examine Feudalism as introduced by William into England, and to consider the differences between it and Feudalism as it existed on the Continent. For the present it will be enough to observe that William took effective means to prevent England from becoming the scene of such baronial insubordination, as filled France and Germany with petty local wars, and general confusion and misery. The Saxon chronicle, which so often bemoans William's unsparing rigour towards those who withstood him, bears witness to the domestic order which he maintained: "He made good peace, so that no man durst slay or rob another."*

* During the publication of this work, I have had the advantage of receiving and studying the third and fourth volumes of Sir Francis Palgrave's History of Normandy and England. That most learned and able historian, in his consideration of the effect of the Conquest (vol. iii. chap. xv.), vehemently denies the truth of the common statement that William established feudalism in England. The denial is verbally right. There is no record of any law or edict of William's, by which an entirely new system of tenure was organised in England, nor is there the least reason to suppose that any such law or edict was ever made by him. Sir Francis Palgrave is also quite right in pointing out, as he does very graphically, how much Saxon law survived the Conquest, and exists even at the present time in England. It may be added that there were among the Anglo-Saxons before the Conquest

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We possess a remarkable monument of the administrative genius of William in the register of the lands

many institutions of a partially feudal nature. But still, there is, I believe, clear proof of changes so extensive having been introduced in the time of William, as to make the common assertion, that feudalism was established here by the Conqueror, substantially correct. In the first place, there is the undoubted fact of William having compelled every landed proprietor in England to acknowledge him as the lord of whom the land was held, and to do fealty to him, not merely as subject pledging loyalty to Sovereign, but as landholder to superior and ultimate master of the land. This of itself was enough to put an end to allodialism in England; and it can hardly be denied that to do this was to do a great deal to establish feudalism. Another important change, made certainly in William's time, was this:—Before the Norman conquest a considerable (though probably a continually diminishing) portion of the country was *Folcland*, that is, land belonging to the Folc, the whole people or nation, and not to the king. Grants of this land could not be made by the king only, but by the Witan and the king (see p. 174, *supra*). William made no distinction in his grants between Bocland and Folcland; and neither in theory nor in practice was there an "Ager publicus" after the Conquest. Moreover, though we have no reason to believe that William ever promulgated anything like a Code of Feudalism, we have very good evidence that there were laws of his (the records of which have not come down to us) by which important changes in the Saxon institutions were effected. Henry the First, in the 22nd clause of his charter, promises this:—"I also restore to you the law of King Edward, *with those amendments with which my father improved it by the counsel of his Barons.*" And the greater part of Henry's charter, by the regulations which it makes as to relief, the right of marriage, and wardship, shows that those decidedly feudal institutions were, in Henry's time, established throughout England; and it is to be remembered that this charter appeared in the very first year of Henry's reign, so that the things spoken of in it must have become common in England within the period of the reigns of the Conqueror himself, and his immediate successor, Rufus.

It seems also natural to believe that much innovation in a severely feudal spirit was made in the Conqueror's time, not by direct legislation, but judicially by the Norman justiciars, chancellors, and other judges, in whose hands he placed almost entirely the administration of the law. I cannot see any reason for doubting that the Normans had been familiar with feudalism in Normandy; nor do I vary from the opinions expressed by me on this point in the 8th chapter of the Rise and Progress of the Constitution.

Sir Francis Palgrave has, as it appears to me, been far more successful in his disproof of the common opinion that William tried to abolish the English language, and to impose the use of French on his new subjects. He has pointed out admirably (chap. xiv. p. 627, *et seq.*) the great extent to which the Romance dialects of France were encroaching upon other languages in the age of the Conquest, how French entirely superseded Danish in Normandy itself, and, making its great advances here in the time of Edward the Confessor, became more and more the favourite language of the higher classes, until its progress was finally stayed and turned back in the time of Edward the Third.

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Domesday Book.

in the several counties of England, which was prepared by his orders in the twentieth year of his reign. He appointed justiciaries (commissioners as they would be termed in modern phrase), who visited all the kingdom, except the northern districts, which had not recovered from the desolation inflicted on them by William in 1069. These officials ascertained and recorded the name of each place, the extent of wood, meadow, and pasture, and the mills and the ponds in it; the name of the then present holder, and the name of the holder in King Edward's time. They noted down the number of tenants of each class, bond and free, in it; the nature of the tenures; the revenue derived from various sources in it; the amount of such revenue before the Conquest, and its amount when the survey was made. This document is of incalculable value to the historian, for the light which it throws on the condition of England before and after the Conquest: and in this respect it bears melancholy evidence to the sufferings of the Saxons, inasmuch as in the great majority of cases the population and the value of each place are returned as far inferior, after twenty years of Norman rule, to what they had been in Saxon times. But William had Domesday Book made for his own practical purposes, and not for the instruction of posterity. Such a body of statistics as it comprises must have been of inestimable importance to the reigning sovereign, in all his measures of revenue, of judicial administration, of police, of military organisation, and in all measures affecting the social economy of the realm. We know of no precedent whence William could have borrowed the design: and we must admire not only the wisdom and the comprehensiveness with which this great survey of his monarchy was planned, but also the celerity with which he

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caused it to be executed. The orders for it were given by the King at his court at Gloucester, held at Christmas, in 1085, and the returns were brought to him as he held his court at Winchester in the Easter of the year 1086.

William's foreign and ecclesiastical policy.

In his dealings with foreign powers, William fully upheld the dignity of the crown which he had assumed; and, though he ever professed to be an obedient son of the Church, he resisted promptly and firmly every attempt made by the Pope to encroach upon his kingly authority. Gregory VII. ventured to demand that William should swear allegiance to the Pope, and received a refusal in the most decided terms. Equally vain were the Papal attempts to exercise an influence over the appointments to high ecclesiastical offices in this island. William made bishops and abbots at his will; nor did their sacred character save them from punishment if they gave him offence.

Domestic troubles of the Conqueror.

The position of William towards the close of his reign might have appeared to be as splendid as ambition could aspire to, or as genius and good fortune could achieve. But that seeming prosperity was clouded by many troubles, arising chiefly from dissensions in the Conqueror's own family. Before William invaded England, he had declared his eldest son, Robert, heir to the Duchy of Normandy, and had required the Norman nobles to pay homage to the young prince. But he never allowed the exercise of substantial authority by Robert, or by his other sons; and it is a remarkable fact, that not a single hyde of land in the conquered realm of England was granted to any of them. Instigated by the French king, who was jealous of William's power, Prince Robert demanded that he should be made real ruler of Normandy. William

replied that he did not mean to begin to undress before bed-time. Many of the Norman nobles were discontented with the stern government of the old king; and, aided by them and by the King of France, Robert endeavoured to seize upon the dukedom which his father withheld from him. A series of desolating wars on the frontiers of Normandy, and in the adjacent French provinces, followed; in the course of which the father and son came into personal conflict with each other. Prince Robert had taken refuge in the French king's castle of Gerberoi in the Beauvoisin. King William besieged him there for some weeks; and, in a sally made by the garrison, William, who had led a body of cavalry to repel it, was charged by a knight from the opposite ranks, who wounded him in the arm and forced him from the saddle. The helmets then worn (though not furnished with complete visors like those used subsequently) disguised the faces of the combatants so far, that neither William nor his antagonist knew each other, until the overthrown and wounded king called for help. Then Robert—for it was he who had stricken William down—knew his father's voice. The prince instantly alighted, and raised his father up on his own horse. He then knelt and prayed forgiveness; but William cursed him bitterly, and rode away. The entreaties of William's Queen, Matilda, procured soon afterwards a short reconciliation between the father and son; but their dissensions were soon renewed; and when William lay on his dying bed, his first-born child was an exile in arms against him.

War between him and his son.

But, however much William might be hated, nothing could shake his power. His eldest son was in open rebellion. His brother, Bishop Odo, who had served him so ably in the conquest of England, had conspired

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against him, and was shut up in one of his dungeons. Many more of the Norman nobles, whom he had led to victory and gorged with spoil, were known to be traitorous malcontents. The conquered English hated him with unabated though oft-baffled enmity. All his powerful neighbours, the kings of France, of Scotland, of Norway, and of Denmark, were eager to give aid to any who would oppose or distress him; yet William reigned on with unfaltering pride and undiminished success. One contemporaneous Scandinavian lay tells of the

"Cold heart and bloody hand
That ruled the English land;"*

and another writer of the time, who was one of William's conquered subjects, thus speaks of him in the Saxon Chronicle: "So stern was he that no man durst gainsay his will. Rich men bemoaned and poor men shuddered; but he was so stern that he recked not the hatred of them all."

William's last campaign.

As years passed on, old age impaired the vigour and activity of the Conqueror's bodily frame, but it neither softened nor enfeebled his spirit. Twenty-one years after the Battle of Hastings, one of the usual wars was being carried on between him and the king of France for the possession of some territories adjacent to Normandy. William had been taken ill, and lay sick at Rouen, when a coarse jest of the French monarch on William's corpulency and seeming languor was reported to him, which incensed him so much,

* See the Rhyme of the Skald Thurkell, cited in Snorro's Saga of Harald Hardrada:—

"William came o'er the sea,
With bloody sword came he.
Cold heart and bloody hand
Now rule the English land."

Mr. Laing's Translation.

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that as soon as he was able to mount his war-horse, he led an army into the disputed district, laying all things waste with such ferocity, as was remarkable even in the man and in the age. He took the city of Mantes, and ordered it to be given to the flames, without sparing even the churches and other religious edifices. He watched the blaze of destruction; and then, in his cruelty and hardness of heart, rode in among the ruins to feast his eyes with the near sight of the desolation which he had made. Fire yet smouldered in some of the embers over which his war-horse was pacing, and the animal, plunging suddenly and violently, cast the rider forward on the pommel of the saddle. William was severely and dangerously injured, and he was conveyed to Rouen, where he lingered in agony for six weeks. His conscience was awakened on his death-bed. He sent large donations for the restoration of the churches in Mantes; and he directed that the vast treasures, which he had accumulated in England, should be distributed among the churches and the poor of the kingdom. An old writer adds the comment that he did this "in order that he might obtain pardon for the plunderings which he had committed there." He directed also the release of his state-prisoners—Norman as well as Saxon—some of whom had lain in his dungeons for more than twenty years. He then ordained the future rule of his dominions. He told the assembled Norman barons that the Duchy of Normandy and its dependencies were the natural inheritance of his son Robert,* to whom the Norman nobles had already paid homage. He

Sack of Mantes.

William's cruelty.

His fatal horse.

His remorse.

His bequests of his realm.

* Lappenberg points out that the assignment of Normandy only to the eldest son, and of England to the younger, was in accordance with Norman customs; and he mentions several instances where the paternal inheritance of a Norman noble in Normandy descended to the eldest son, while the frequently greater acquisitions by conquest in Apulia, Brittany, England, or other countries, fell to the share of the younger.

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expressed a wish that his son William should obtain the conquered kingdom of England, and assigned to his youngest son Henry a legacy of money only.

Scene round his death-bed.

William the Conqueror died early on the morning of the 8th of September, 1087; and, as soon as breath had left the body, it was deserted by the bishops, barons, physicians and courtiers who had gathered round the dying king; and a rabble of the lowest class, breaking into the unguarded apartment, plundered it of every article of value. The corpse of the greatest king and general of the age was left naked on the floor of the room where he had died. Of his three sons, the eldest was bearing arms in an enemy's camp: the other two had hurried from their father's deathbed to secure what had been bequeathed to them.

The Conqueror's burial.

For a long time no one would be at the cost and trouble of paying the last offices to the dead man. At last, a simple Norman knight, named Herluin, expressed his willingness "for the honour of God and of the Norman name," to take the burden on himself. Herluin hired the necessary conveyance and attendants for the removal of the body to the Abbey Church of St. Stephen, at Caen, which William himself had founded. There the clergy of the Abbey and other ecclesiastics assembled to pay due funeral honours to their departed ruler. The grave was dug between the choir and the high altar. The solemn service of the church had been performed. The Bishop of Evreux had addressed the congregation, extolling William's virtues, and imploring the prayers of all present in his behalf. The coffin was about to be lowered, when a Norman, named Oscelin Fitz-Arthur, stood forward, and forbade the body being placed in the grave.

"This ground," said he, "on which you stand, was

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the site of my father's house. The man, who now lies dead before you, and for whom you bid us to pray, took my father's land from him by force and by wrong; and here, by abuse of his ducal power, he built this church. I claim back the land. And I forbid, in the name of God, that the body of the robber should be covered with ground that is mine, and that he should have a burial place in my heritage."

Not till his grave is bought of Oscelin.

The truth of Oscelin's charge was notorious; and a murmur of attestation and assent from those around followed his words. The assembled prelates were obliged to buy the grave. Silver was paid down then and there to Oscelin, as the price of the burial spot, and a sufficient indemnity for the whole of his land was guaranteed to him. The body of the man, for one of whose numerous crimes a tardy compensation had thus been made, was then committed to the earth.

CHAPTER VIII.

Reign of William II.—His tyranny and profligacy—Disputes with Duke Robert—Normandy mortgaged to William—Death of William in the New Forest—Henry I. obtains the crown—His measures to conciliate the Saxons—Duke Robert returns from the Crusade—Duped and defeated by Henry—Dies in prison—Sufferings of the English under Henry—Death of Prince William—Exertions of Henry to secure the crown to his daughter Matilda—Death of Henry—His learning—His disputes with the Pope—Stephen seizes the crown—Civil war between him and Matilda—Compromise between Stephen and his opponents—His death—Henry Plantagenet succeeds to the throne—Dreadful sufferings of the people in Stephen's time—Probable diminution of the numbers of the English nation during the century after William the Conqueror's invasion.

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Sept. 26.

WILLIAM THE SECOND, commonly called William Rufus, from the colour of his hair and complexion, was crowned King of England at Westminster, on the eighteenth day after his father's death. He had been educated by Archbishop Lanfranc, and had distinguished himself by his courage and knightly activity in the chace and in the field. No opposition was made by either Normans or Saxons to his accession; but any hopes, that might have been formed of the people being benefited by the change from the rule of the stern old Conqueror to that of his youthful son, were speedily disappointed. William II. had a full share of the courage, and a considerable share of the talent which characterised his remarkable family; but no member of it surpassed him in cruelty, or in perfidy; and he was disgracefully conspicuous for personal profligacy, and for the open scorn with which he mocked at the laws both of God and man. He was

The evil character of William Rufus.

speedily engaged in disputes with his brother Robert, who sought the possession of the Duchy of Normandy, as designed by William the Conqueror; and whom William Rufus endeavoured to supplant, by bribing the native nobles to revolt against their new duke, as well as by open attacks upon portions of his brother's territories. At last, in 1096, Duke Robert (whose careless disposition made him no match for his crafty and energetic brother) determined to join the Crusade for the recovery of the Holy Land from the Mahometans: and, in order to obtain the requisite funds for his share in that great enterprise, he formally transferred the Duchy of Normandy to his brother William, in consideration of a loan of ten thousand marks of silver. The Duchy was to be restored to Robert at the end of five years, on repayment of the sum advanced; but Robert was little likely to be able to return money, and Rufus was still less likely to be willing to give up dominion.

His quarrel with his brother.

This purchase-money of Normandy was raised in England by the most grinding exactions. William spared neither church nor lay property. When bishops and abbots protested against the royal orders to break up the consecrated vessels, to be coined for his use, Rufus jeeringly told them that the money was to enable his brother to fight against the Church's enemies, so that there could be no sacrilege in using church plate to make it. Besides open spoliations of the treasures of the clergy, the king habitually caused the great ecclesiastical dignities to remain vacant for years after the death of a prelate or an abbot; and during such vacancy he appropriated all their revenues to his own use. He dealt thus with the archbishopric of Canterbury for five years after Lanfranc's death in 1088. A severe illness, which came on the king in 1093, wrought on his superstitious fear (for it would be a

Oppressiveness of Rufus.

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misnomer to speak of William Rufus's religious principles), and he consented to instal Anselm Primate of England. In learning and in holiness of life Anselm was at least equal to any of the archbishops who had preceded him; and throughout the remainder of William's reign he maintained an honourable but generally ineffectual resistance to the rapacity and tyranny of the king.

Archbishop Anselm.

Death of Rufus.

William Rufus met his death while hunting in the New Forest; in which two members of his family had already been killed,* and which was popularly believed to be the ordained death-scene of princes of the Norman royal family, on account of the cruelties which the founder of that dynasty and of that forest had caused to be there committed. On the morning of the 2nd of August, 1100, King William II. rode into the New Forest to hunt; and at sunset on that day he was found lying dead at the foot of a tree, pierced through the heart with an arrow. Nothing more can be affirmed with any certainty as to his death; though there were numerous traditionary details as to the slayer, and as to the last moments of the slain.

Prince Henry secures the Crown.

Prince Henry had been at that hunting in the New Forest; and, as soon as he heard of his brother's death, he galloped off to the royal castle of Winchester, and demanded admittance as heir to the English crown. But William of Breteuil, a devoted partisan of Duke Robert, had outridden him, and required the castellan to respect the rights of his absent lord. It had been agreed between Duke Robert and William Rufus in 1091, that if either of them died without issue, the

* In 1081 Richard, the Conqueror's second son, had been gored to death by a stag there, and in May, 1090, a nephew of William II. was killed there by the chance shot of an arrow.

other should succeed him in all his dominions: and De Breteuil earnestly maintained the claims of Robert, who was now known to be on his return from the Crusade, in which he had won the highest renown for valour. But the other Norman nobles favoured the younger brother, who was on the spot, and who was ready to reward prompt service. The castle was given up to him; and, hurrying to London, Henry was equally successful in obtaining the recognition of his claims in the metropolis. He was crowned King of England at Westminster on the Sunday following his brother's death; and he lost no time in taking the measures best calculated to secure himself on the throne. He propitiated the clergy by filling up the bishoprics and abbacies which Rufus had kept vacant, and by showing the greatest reverence to Archbishop Anselm. He issued a proclamation by which he bound himself to remedy all abuses, and to govern according to the old laws of the land; or (in the phraseology of the time) according to the laws of King Edward the Confessor, with such amendments as they had received from Henry's father with the consent of his barons.* He took a step still better adapted to win the affections of the great mass of his subjects, by marrying Matilda, the daughter of the Scotch King, Malcolm Canmore, and of Margaret, the sister of Edgar Atheling. The Saxons saw with joy a Queen of the rightful royal race of Alfred and Cerdic; and they trusted, prematurely, that the season of their national oppression was at an end. When, in the July of the following year, 1101, Duke Robert landed at Portsmouth to claim the English crown, he found many Normans ready to join him; but the whole Saxon population adhered faithfully to

Aug. 5.

Henry I.'s proclamation.

He marries Matilda of the Saxon line.

* This proclamation or charter of Henry I. will be further considered when the Great Charter of John is discussed.

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1101—20.

King Henry; and after a short period of negotiation, Robert, unstable as ever, agreed to withdraw his right to England, on condition of Henry giving up to him all the continental possessions of the family. Robert fulfilled his part of the agreement; but he found in Henry the same ill-faith and aggressive rapacity, which he had already met with in Rufus. After several years of hostility, sometimes disguised and sometimes overt, Henry defeated his brother and took him prisoner at Tinchebray (28th September, 1106), forty years after their father had won the Battle of Hastings. Duke Robert was kept in captivity till he died at Cardiff Castle in 1134. According to some accounts, this unhappy prince was blinded by his brother's orders several years before his death, as a punishment for an attempt to escape from prison. But the accounts, which others give, may justify us in doubting whether Henry's memory is to be branded with the guilt of this atrocious crime. His general character for cruelty is certain, and is too well deserved. Perhaps the fact, that it was customary with him to inflict the punishment of loss of sight as well as perpetual imprisonment on those who had offended him, may have given rise to the belief that his own brother was subjected to this barbarity.

Duke Robert conquered at Tinchebray by Henry I.

Duke Robert's captivity and death.

Henry's administration of justice, in all matters not affecting himself or the royal power, was strict, as his father's had been; and the order maintained by him in his dominions must have made the condition of the people better than it had been under the wild tyranny of Rufus. But Henry was as merciless as the worst of his race in extorting money from his subjects; and he was utterly indifferent to the abuses of power which his tax collectors and purveyors practised on the miserable inhabitants. "It is not easy," says the

Strictness of Henry's rule.

His tyranny.

chronicler, "to relate the miseries of this land, which it was suffering at this time through various and manifold wrongs and imposts, that were never intermitted or ceased; and ever, when the king journeyed, there was plunder and destruction by his followers of the wretched people, and but too often burnings and murders." "What and how grievous oppressions the whole of England suffered is difficult to narrate. In raising money to complete the subjugation of Normandy, no mercy was shown by the collectors. Those who had nothing to give were driven from their humble dwellings, or, the doors being torn down and carried off, their habitations were left open to be plundered; or, their miserable chattels being taken away, they were reduced to the extreme of poverty, or in other ways afflicted and tormented; while against those who were thought to possess something, certain new and imaginary offences were alleged; when, not daring to defend themselves in a plea against the king, they were stripped of their property and plunged into misery."

All the show of equity and kindness towards the Saxons, which Henry had held forth at the beginning of his reign, was laid aside by him when he no longer felt the need of Saxon support against his brother; and he treated them with undisguised contempt as an inferior race, unfit for any post of dignity or power. His son, Prince William, though born of a Saxon mother, evinced, as he grew up, the same spirit of Norman insolence towards the English nation, and used to threaten that if ever he came to reign over these wretched English, he would yoke them like beasts to the plough. These words were remembered when the prince perished, in 1120, by a dreadful catastrophe, which was looked on by the English as a judgment

His son Prince William perishes at sea.

CHAP. VIII. 1120.

from Heaven upon both father and son. King Henry had in that year quelled the last opposition to his authority in Normandy, and he had gained a brilliant victory over the French king, which was followed by a treaty, in which all Henry's rights to the continental dominions of his house were fully acknowledged. With his ambition thus gratified, Henry prepared to recross the channel with his son Prince William, and many more of the young Norman nobles, who had been with him in the campaign. The fleet for this purpose was assembled in the port of Harfleur. It was now the month of December; but the weather was moderate, and no danger from the voyage was apprehended. Before the vessels weighed anchor, a Norman ship-master, named Fitz-Stephen, presented himself before the king, and, tendering a mark of gold, addressed him thus: "My father Stephen, son of Howard, all his life served thy father on the sea. He steered the vessel in which thy father sailed to the conquest of England, and he always claimed, and was allowed the privilege of transporting the king from shore to shore of the Channel. I ask now that thou wouldst similarly honour me. I have prepared a vessel, named the 'White Ship,' and she is in readiness for thee." The king thanked him, and said that although he had already chosen a ship for his own passage, he would, out of regard to Fitz-Stephen's family claim, entrust the Prince Royal and the royal treasure to his safe conduct. The king's own ship set sail immediately, and carried Henry to the English coast in safety. But the young prince and his companions lingered long at a revel before they permitted the anchor of the "White Ship" to be weighed. No less than three hundred persons were on board, and two-thirds of these were nobles, knights, and ladies of high rank. The prince, with ill-judged

liberality, ordered barrels of wine to be distributed to the mariners; and such was the evident confusion on board, that some few of the intended passengers left the vessel, and returned to land. Among these was the king's nephew, Count Stephen of Blois, on whom, and not on the proud heir-apparent, the crown was destined to devolve. The sea was windless; but the "White Ship" was a fifty-oared galley, and made way rapidly over the moonlit waters. With "speed on her prow," and careless merriment at her helm, the vessel ran on a forgotten reef; her planks were started, and she instantly began to fill. She had a small boat, which Fitz-Stephen lowered, and placing the prince in it, with a few hands, he urged him to row for the shore and save himself. But William's sister Marie was in the ship, and the prince hearing her cries put back to try to save her. No sooner had the boat returned to the ship's side, than such numbers leaped into it, that it was instantly swamped, and all in it perished. The ship soon foundered, but part of the mainyard was detached and floated. Two men clung to it—one a young noble, the other a butcher of Rouen, named Berold. Fitz-Stephen had risen again to the surface, after the ship went down, and he swam towards the men on the spar, calling out, "The prince—what has become of him?" The answer was, "We have seen no more of him, or of his sister, or of his companions." "Woe is me!" exclaimed the unhappy mariner, and, relaxing his arms, he sank beneath the water. The bitter cold of the long December night was more than one of the two who had clung to the spar could endure, and after some hours of suffering young Godfrey de l'Aigle let go his hold and perished, while uttering a prayer that his poor companion might still be preserved. Berold, less delicately nurtured, and

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somewhat protected by the sheepskin coat in which he was wrapt, held on till morning, when he was seen from the shore and rescued. No other soul escaped. The tidings of this dreadful calamity, as told by Berold, were soon conveyed to England; but no minister or courtier dared to repeat them to King Henry. At last, his inquiries about the "White Ship" could no longer be evaded, and a little boy was sent into the king's apartment, who, weeping bitterly, threw himself at the king's feet, and told him that the ship, with all on board, had perished. Henry fell as if dead to the ground. He soon recovered mastery over himself, and returned to the administration of state affairs with stern composure; but he never smiled again.

Henry's second marriage.

Henry's Saxon queen was now dead; and he had no children by a second marriage, which he contracted with Adelais, daughter of the Duke of Louvaine. His only surviving legitimate child was a daughter, named Matilda, after her mother, his first queen. This princess had been married to the German Emperor, Henry V., and is commonly spoken of by our old writers as the Empress. Her husband died in 1125, and she returned to England. King Henry determined to secure for her the accession to the English crown, though there was no precedent for either Saxons or Normans having been ruled by a female sovereign; and the idea of a woman's reign was opposed to the customs and feelings then generally prevalent in Europe. After some difficulty, King Henry prevailed on a large number of his prelates and nobles, who were assembled at the royal palace at Windsor for the Christmas festival of 1126, to acknowledge his daughter as heir to the throne, and to bind themselves by a solemn oath to be loyal and true to her as Queen of England and Duchess of Normandy, if Henry should die without

His daughter Matilda's marriages.

male issue. In the following year Matilda contracted a second marriage with Geoffrey, the young Count of Anjou, commonly called Geoffrey Plantagenet, from his habit of wearing in his cap a sprig of the broom plant, called in Latin Planta Genista, and in French Plante Genêt.* By this second marriage she had three sons, the eldest of whom became in after years Henry II., King of England: but not till after one of the very nobles, who had been seemingly the most zealous in acknowledging Matilda's right of succession, had, on King Henry's death, seized on the throne, and long held it for himself.

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1128—35.

The House of Plantagenet.

Matilda acknowledged by the English nobles as Henry's successor.

Henry I. died on the 1st of December, 1135, from an illness which he had brought on himself by a gluttonous meal of lampreys. He was in all respects selfish and sensual; and he never scrupled to use any kind of perfidy or cruelty in order to accomplish his purposes. His fondness for his children is the only amiable feature, and his zeal for the advancement of learning is the only admirable one, in his character. He had himself received an excellent education, and his surname of "Beauclerc" proves how well he had profited by it. He was munificent in encouraging learned men and educational establishments. The schools of Canterbury, York, Oxford, Abingdon, Winchester, Peterborough, Cottenham, and Cambridge acquired a high reputation in his reign. Students, also, from this island frequented the learned foundations of other lands; not only those in Christendom, such as Paris,

Death and character of Henry I.

* The founder of the splendid fortunes of the family of the Plantagenets —a family which gave fourteen kings to England, and which, "increasing in dignity, influence, and power, affords a most remarkable exemplification of ancestral talent perpetuated from generation to generation,"—was a Breton ploughman, named Torquatus, or Tortulfus. He entered the service of the French king Charles-le-Chauve (851—877), fought gallantly against the Danes, and rose high in his sovereign's confidence and in authority.—See Palgrave's Normandy and England, vol. i. p. 501.

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Literature and learning in England.

Pavia, and Salerno, but also the celebrated colleges established by the Mahometan Kings of Spain at Cordova and Salamanca. So far as regarded native Anglo-Saxon literature, these foreign influences were unfavourable; but our scholars of that date acquired no inconsiderable familiarity with the Latin classics; and some parts of Greek philosophy and science became known here, as in other countries of Christendom, not from the Greek originals, but through translations which the Mahometan teachers had made of them into Arabic, whence versions were again made into Latin. The Logic of Aristotle was the subject of especial study; and this, blended with theology and metaphysics, became the scholastic philosophy of the Middle Ages, which was long so cultivated and renowned, and which has afterwards been so unjustly despised.

Eminence of Anselm.

Anselm, our Archbishop of Canterbury, was one of the most eminent of the early scholastic writers. He was the great opponent of Roscelin, who had denied the real existence of aught that the senses or mind cannot take cognisance of as of a distinct individual being. The metaphysical speculations of Anselm are so far from being characterised by the solemn trifling, which is now popularly considered to have been the main occupation of the schoolmen, that they deal unfalteringly though reverently with the fundamental doctrines of religion, and the most momentous problems of man's being and man's futurity. They contain the celebrated argument in proof of the existence of God, which, many centuries afterwards, Descartes supposed himself, and was supposed by others, to have originated.*

* See Milman's eloquent explanation of this, Hist. Latin Christianity, vol. iii. p. 357. See also, for the importance attached by modern divines to Anselm's opinions on the Doctrine of the Atonement, Aids to Faith, p. 345, *et seq.*

The schoolmen were, as a body, though with some eminent exceptions, zealous supporters of the Roman Catholic Church and of the Papal power; and Anselm is conspicuous in mediæval history, not only as the first great supporter of the Realistic against the non-Realistic Philosophy, but as the champion of sacerdotal against regal authority. We have had occasion to observe his noble opposition to the rapacious tyranny of William Rufus; and we have noticed the favour with which he was treated by Henry on that king's accession to our throne. Throughout the greater part of Henry's reign, we find him opposing that monarch with mild but unyielding courage on the great question of the right to appoint to church dignities, the question with which all Christian Europe has so often and so long been agitated. Whatever might be the body that elected a new bishop (usually a small clerical body), it was universally agreed that a confirmation of this election was necessary. As the possession of ample domains, and the right to sit in the chief council of the State had become annexed to the bishoprics, the emperors and kings asserted that it was for them to confirm the bishop elect, and that, until they invested him with the symbols of his dignity, his true episcopal character was not acquired. On the other hand, as the Papacy gained power, the Popes and their adherents protested vehemently against the impiety of a layman (though a crowned layman), taking on himself the sacred function of conferring a holy office; and they maintained that it was for the Pope, as head upon earth of the Church, to sanction the appointment of the Church's chief ministers. The contest, which long raged on this subject between the German emperors and the Popes, was compromised in 1122 by the Emperor Henry V., our Henry I.'s son-in-

Disputes between sovereigns and the clergy as to the right of appointment to clerical dignities.

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law. That sovereign gave up to the ecclesiastical authorities the right of investiture by the sacred emblems of the ring and the staff; but it was stipulated that the new bishop should not acquire the temporal possessions and privileges of his see, until his sovereign had granted them to him by the touch of the royal sceptre. In a similar spirit it was arranged between the English king and Anselm that the king should give up the form of appointing new bishops by grant of the ring and pastoral staff; but that the elected prelate must do homage to the king for the temporalities of the see. The substantial triumph in this stage of the contest between Church and State was with the temporal sovereign, who might always refuse to accept the homage of an obnoxious bishop elect, and so keep in his own hands, until another appointment was made, the most coveted part of the prize, the rich revenues and the strong castles of the bishopric.

Compromised in Anselm's time.

We shall soon have occasion to watch another conflict between priest and king in our second Henry's time; but in the interval came the troubled period of Stephen's reign. The events of that reign might fill a long chapter, if we were to report the details of all its factions and civil wars; but it has little permanent interest, and a very brief notice of it is all that is required on this occasion.

Stephen seizes the English Crown.

When the "White Ship" went down off Harfleur with Henry's children and so many of their high-born comrades on board, one youthful nobleman, who was a grandson of William the Conqueror, and son of Stephen, Earl of Blois, had remained on shore, with a careful regard for his personal safety not generally displayed by him. Young Stephen was one of the boldest and most accomplished knights of the age and

was high in favour with Henry I., in whose court and camp he had been educated. Henry had obtained for him the hand of the daughter and heiress of the Count of Boulogne, a marriage that gave Stephen not only that county, but also vast estates in England. After Henry's son had perished in the wreck of the "White Ship," and when Henry was sinking into old age without other sons being born to him, Stephen may not unnaturally have formed the hope of obtaining for himself the throne of his grandfather after Henry's death. Stephen, indeed, had two elder brothers; but one of them, William, was imbecile in intellect, and the other, Theobald, had succeeded to the paternal inheritance of the earldom of Blois.* Henry's determination to make his own daughter the inheritress of the English crown appeared fatal to Stephen's projects; but Stephen made no sign of opposition, and took the oaths of future allegiance to that princess with seeming zeal and alacrity. But on Henry's death, which took place in Normandy (Matilda also being then absent from England), Stephen (who had been in attendance on the dying king) instantly set out for England, obtained possession of the royal treasures, and, materially aided by these, persuaded the clergy and nobles, who gathered round him, to consent to his coronation, which took place at Westminster on the 26th of December (St. Stephen's Day), 1135. Stephen's liberality and courteous manners, his military reputation and his personal beauty and knightly accomplishments, won the favour of the common people for him; and those of higher rank, who at first felt compunctions of conscience when they remembered their oaths to Matilda, found their scruples appeased, when one of Stephen's warmest adherents, Hugh Bigot, Earl of

* See note p. 223, *supra*.

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Norfolk, who had been Steward of the Household to Henry, came forward, and swore stoutly that the late king had, on his death-bed, disinherited his daughter Matilda and her children, and ordained that his nephew Stephen should be his successor.

Civil war between King Stephen and Queen Matilda.

For a short time Stephen's reign was prosperous. The Scotch who invaded the north of England were repelled, and in 1138 an army led by the Scotch king in person was utterly defeated by the Archbishop of York and the northern English barons at the battle on Cureton Moor, called the Battle of the Standard, from a huge banner, or collection of banners, which was placed on a waggon in the centre of the Anglo-Norman Army. But the loyalty of many of Stephen's barons to him was short-lived. Discontents arose, and the partisans of Matilda acquired strength. The daughter of Henry I. landed in the island, and was soon at the head of an army which was directed by the high military talents of her natural brother, Robert Earl of Gloucester. A civil war ensued, in the course of which Stephen was taken prisoner, and Matilda was (1141) acknowledged to be Queen of England by a large assembly of the nobles and others at Winchester. But her oppression and insolence soon lost her the popularity which her courage had acquired. The Earl of Gloucester was taken prisoner by some of the partisans of Stephen, and in order to gain her brother's release Matilda was obliged to set Stephen free. Twelve years more of wretched, indecisive warfare followed, throughout which Stephen displayed the same reckless valour, and the same easy personal disposition, for which he had ever been conspicuous. At length,

Pacification and compromise.

such was the state of the country, wasted with misery, that the leading men on both sides sought to effect a compromise of the claims of the rivals. The

death of Stephen's son facilitated the arrangement; and, in a great council held at Winchester in November, 1153, it was agreed that Stephen should retain the English crown during his life, but that Matilda's son, Henry, should be adopted by him, and declared his successor. Fortunately for England, and probably so for the king himself, Stephen's restless life was not protracted long after this pacification. He died a natural and peaceful death at Dover in 1154, and the nation, exhausted by the dissensions and miseries of his reign, passed placidly and willingly under the sceptre of our first Plantagenet sovereign.

Death of Stephen.

Misery of the English during his reign.

Many worse men than Stephen have sat upon the English throne; but, if the evil of a reign is to be estimated according to the amount of a people's sufferings during it, the reign of Stephen must be pronounced the very worst in the English annals. It was not only a period of long lingering civil war, in which each party could distress its adversary but neither could protect itself, but it was also a period of social war, in which the Strong preyed upon the Weak throughout the land, and in which there was no law save the law of brute force to appeal to. Neither Stephen nor Matilda could control the excesses of their nominal followers, even if either had sought to do so; and the numerous bands of foreign mercenaries, who were called over as auxiliaries, surpassed the native soldiery in cruelty and licence. By degrees the cause of the king or the cause of the empress became a mere secondary matter with the lords of castles and the leaders of armed bands. Their primary object was to plunder and to tyrannise on their own account. Many historians have striven to depict the misery of a country that is thus given up to anarchy and to the multitudinous despotism of local oppressors, but no elaborate

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description of the kind can equal the effect of the plain matter-of-fact relations which the Saxon chroniclers of the time have written of the sufferings of their fellow-countrymen during Stephen's reign :—

"In this king's time all was strife, and evil, and rapine. Against him soon rose great men. They cruelly oppressed the wretched men of the land with task-work at building their castles. They filled the castles with devils and evil men, and they seized those whom they supposed to have any goods, men and women, and threw them into dungeons for their gold and silver, inflicting on them unspeakable tortures. Some they hanged up by the feet and smothered them with foul smoke; others they hanged up by the thumbs or the head while fire was put to their feet; about the heads of others they knotted cords, and bound them so that they went to the brain; some were cast into pits where there were adders and snakes and toads, and died there; some were placed in a 'crucet-house,' that is, a short, narrow, shallow chest, in which sharp stones were laid—the man was crushed into this. Many of these castles had in them a 'loathly and grim,'* which was a drag for the neck, such as hardly two or three men could lift. This was thus applied: being fastened to a beam, the sharp iron was placed round the man's neck so that he could neither sit, nor lie, nor sleep, but must bear all that iron. Many thousands they wore out with hunger. They levied contributions on the towns and villages, and, when the wretched people had no more to give, they set the place on fire. You might travel a whole day without seeing a living man in a village, or land under the plough. Wretched creatures died of want.

* See the note at page 391 of Thorpe's translation of Lappenberg's Anglo-Norman Kings.

To till the ground was to plough the sea. If two or three men were seen riding up to a town, all the inhabitants fled, taking them for plunderers. And this lasted, growing worse and worse, throughout Stephen's reign. Men said openly that Christ and his saints had gone to sleep."

Probable diminution of the population during the reigns of the Conqueror and next three kings.

It is of course impossible to calculate, with any precision, to what extent the population of the island must have been reduced by this long-continued misery. But it is interesting to inquire and to ascertain, as far as we are able, what effect in this respect was produced generally by the Norman Conquest, under which term I include, for this purpose, the reign of the Conqueror himself, and the three reigns of continued oppressions and suffering to the English people, that ensued. The population of England at the time when William landed here, is reckoned at from a million and a half to two millions. I am inclined to think the last and largest number to be nearest the truth; and I believe this, the old Saxon population, to have been diminished by at least a third during the reigns of the Conqueror and his sons.* I should estimate the number of Normans and other immigrants from the continent, who settled here in the times of William and his immediate descendants, at about a quarter of a million. A large colony of Flemings, that was planted by Henry I. in the neighbourhood of Wales, is not to be forgotten. The calamities of Stephen's reign fell upon all classes, but by far the most heavily upon the lower-class people. I should think that the aggregate of the human beings of every race, who were living in the land at the close of this disastrous period, was considerably less than the number that was living here

* See some calculations on this subject in the Rise and Progress of the English Constitution, p. 69, *et seq.*

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under our last Saxon kings. But, on the other hand there is every reason to believe that the population increased rapidly, and nearly, if not altogether, recovered its old numerical strength during the long reign which we are next to contemplate, and which was generally an eminently prosperous period for England, however chequered were the personal fortunes of the sovereign himself.

CHAPTER IX.

Great extent of Henry II.'s power—His Continental dominions—His character and abilities—He restores order in England—His eminence as a legislator—He comes into collision with the ecclesiastical power—Thomas à Becket, Archbishop of Canterbury—Strife between Church and State raging elsewhere—The Emperor Frederic Barbarossa's conflicts with the Popes and with the Italian Free Cities—Becket's opposition to the king's attempts to make the clergy subject to the criminal laws of the State—Violence of Henry—Becket's flight—Negotiations and excommunications—Becket's return to England—His assassination—Penance of the king—Conquest of Ireland commenced by the English—State of Ireland before the English landing—Causes that made the conquest speedy but imperfect—Dissensions between Henry and his wife and sons—Civil wars—Wretchedness of the king—Death of Henry.

HENRY THE SECOND was only twenty-one years old when he came to the English throne; and, even before he acquired the sovereignty of this island and of Normandy, he was one of the most powerful princes in Europe. He held Touraine and Anjou from his father; and, by marrying Eleanor of Aquitaine, whom King Louis VII. of France had divorced, he had acquired Poitou, Saintonge, Auvergne, Perigord, the Limousin, Angoumois and Guienne. When he became King of England, he became also Duke of Normandy; and, as the Norman dukes claimed a feudal superiority over Brittany, which Henry had the spirit and the power to enforce, he was the real ruler of a far greater part of France, than the portion which was under the effective sovereignty of the titular king of that country.

Accession of Matilda's son, Henry Plantagenet, as Henry II. of England.

His great power.

In England, Henry was welcomed to the throne with enthusiastic and universal loyalty. All classes

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hoped that under his rule the land would have repose from the wretchedness, with which it had been tempest-tost in the times of Stephen; and the great mass of the English people looked on Henry's succession with redoubled joy, because they saw in him the descendant of their old native kings; and they hoped (not altogether vainly) that, under him, the insolent ascendancy of the Norman over the Saxon race in this island would expire. They forgot that their young sovereign's birth-place was in France; they forgot that his father and all his paternal ancestry were French. They only thought of the true royal Saxon blood of "England's Darling," which had come down to him through his mother. The popular annalist of the day addressed him thus: "Thou art son of the most glorious Empress Matilda, whose mother was Matilda, daughter of Margaret Queen of Scotland; whose father was Edward, son of King Edmund Ironside, who was great grandson of the noble King Alfred."

His descent on the mother's side from Alfred and Athelstane.

Henry had many personal advantages, both of body and mind; and he had received the best education, both as a soldier and as a scholar, that could be obtained in that age. He retained his love of letters throughout his life; and is said to have always devoted part of his time to reading and to intellectual conversation. He loved to gather round him the ablest scholars and the best jurists of the day; and his fondness for music and poetry made him also a bounteous patron of the Provençal bards and of the minstrels and romance writers of Normandy and other lands. He was gifted with a peculiarly tenacious memory, and is said never to have forgotten a face that he once had seen, and to have permanently retained almost all that he read and heard. He is especially praised for his remarkable knowledge of historical

Henry's character.

literature; and the office of Grand Seneschal of France, which he held by hereditary right as Count of Anjou, gave him an early familiarity with judicial principles and procedure. These high qualities and accomplishments were alloyed with many blemishes and vices. He was furious in his anger, and reckless of right and wrong in his revenge, though often turned aside from his vindictive purpose by the impulse of an uncertain generosity. He was given to unchecked sensuality, and was unscrupulous as to the means by which he sought the gratification of his desires. These evil qualities grew on him more and more with advancing years. They wrought for him their usual fruits of misery: and the personal wretchedness of Henry towards the close of his reign forms a melancholy contrast to the joyous splendour in which that reign was commenced. But for England his reign was a period of almost uniform prosperity and peace. Henry gave her and maintained for her the order which she had so long and so deeply needed; and, as a law-giver, he did more for her than had been effected by any of his predecessors since the days of Alfred. Much of the praise which history gives to Henry II. as a legislator, and as an administrator of justice, should doubtless be shared by the able men who acted under him; but, in return, the king deserves the credit of his wise selection of such ministers; and the writers of the time, including those most hostile as well as those most favourable to Henry personally, speak of the king as having been himself the chief originator of the changes in the Law that were introduced in his name and by his authority.

Prosperity of England during his reign.

Improvements in the law.

As soon as Henry was seated on the throne, he took prompt and effectual measures to remedy the evils under which the realm had been suffering. He

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banished all the foreign mercenary soldiers from England, and with the sanction of a Great Council he gave orders for the instant demolition of all the castles which had been erected during the late reign. No less than eleven hundred of these dens of thieves are said to have been destroyed. There may be exaggerations in the reckoning; and probably many a building, which was included under the term of castle, was no more than a single thickly-walled tower, in which a gang of plunderers could store their booty, and where they could hold out for a short time against any force unprovided with the costly and cumbrous engines, that were employed in regular sieges in those times. Still we cannot doubt that the number of fortified posts which Henry dismantled was very great; and, in order to effect this most necessary measure speedily and summarily throughout England, he must have had the zealous support of all classes of his subjects. Some barons, and some marauders of lower rank, are mentioned as having offered armed resistance; but they were ultimately overpowered; and protection for person and property was now assured throughout the realm. Agricultural industry was resumed; and trade and commerce rapidly revived, a revival that was greatly aided by the bold and enlightened policy of Henry in issuing a new coinage of standard weight and purity, instead of the debased moneys that had been sent into circulation in the time of Stephen.

His demolition of the Adulterine castles.

Revival of agriculture and commerce.

The principal changes made by Henry II. in our laws will come under notice elsewhere, when we shall have to consider the political and judicial institutions of England at the date of the Great Charter, and during the reign of Edward I. For the present, it will be enough to state that the great characteristic of Henry II.'s legislation was the principle of bringing justice in

its best possible form, as near as possible, to every man's door. Judges commissioned by the Sovereign to travel through the land, and to preside at important civil and criminal trials in each district, appear occasionally in the records of Henry I.'s reign. But Henry II. made the institution regular and permanent. Under him also improved modes of procedure were introduced; and he increased the powers of these itinerant justices;—"Judges on Circuit," as we now generally term them, "Justices in Eyre," according to the olden phrase. Hallam has well pointed out how valuable this institution has been in preserving the uniformity of the law of England.* Henry's administration of Criminal law is complained of by some writers as searching and merciless: but when we remember in what a condition he found the country, we may readily believe that energetic justice was needful for public safety; and that severity to criminals was mercy to honest men.

Contest between Henry II. and Archbishop Becket.

Henry's zeal for the amendment of our laws, and for the vigorous administration of impartial justice, was one great motive, though not the sole motive, of his controversy with the ecclesiastical power, as represented by Archbishop Becket; a controversy which is memorable in history, not only by reason of the important interests involved in it, but also on account of the high personal qualities of the mitred champion of the Church, his tragical but heroic death, and the ultimate humiliation of the king, by whom that death had been caused, if not intended.

Clergy claim immunity from jurisdiction of lay tribunals.

Among the claims put forward by the Church in that and preceding ages, was a demand that clergymen (including all in holy orders, of whatever rank, establishment, or degree) should be absolutely free from the jurisdiction of the temporal courts of the land

* Middle Ages, vol. ii. p. 284.

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they lived in. However heinous the crime might be that was imputed to an ecclesiastic, from the highest prelate down to the lowest door-keeper, however notorious his guilt might be, however ample and clear the testimony that was ready to be produced to prove it, it was insisted that the laws of the state ought not to touch him; and that his robberies and murders should be passed over with impunity, except so far as his spiritual superiors might think fit to chastise him by a sentence of penance or imprisonment, which in general was frivolously inadequate to what outraged justice and the protection of the public required. The evil was not a theoretical one. Even the ecclesiastical writers who are most hostile to Henry II. admit and deplore the frequency of crimes committed by the clergy; and there seems reason to believe that the spirit of rapacity and cruelty, which had been general among the higher clergy, who mingled in the disorders of Stephen's reign, had spread far through the clerical body, and made their criminality *more abundant than usual** at the time when Henry strove to bring them under the unsparing rigour of his new judges and his improved and strengthened tribunals.

It seems self-evident to a modern inquirer into the merits of this controversy, that Henry was bound in the performance of his kingly duties to put a speedy end to such grievous abuses:† and we are disposed

* "Solito abundantius per idem tempus apparebant publice irretiti criminibus."—See the passages from the clerical biographers of Becket cited in Milman, vol. iii. p. 469.

† "No doubt can be thrown on the merits of this controversy without impugning one of two propositions, both of which seem almost self-evident: that good government requires all orders of men to be equally amenable to the law, and that the legislative power in every commonwealth is bound to provide for such equal distribution of justice."—Mackintosh, vol. i. p. 159. He proceeds to point out very justly and forcibly that the fact of Henry's being on the right side in his contest with Becket by no means proves that the king acted throughout from right motives.

at first to dismiss with indignation any pleading in favour of those who opposed his remedial measures. Yet it would be highly unjust to suppose that Becket and the other eminent ecclesiastics of those ages, who maintained the immunity of clergymen from civil jurisdiction, did so out of a wish to give impunity and encouragement to vice and crime among their brethren. Their object was to uphold what they deemed to be the superior sanctity of the Sacerdotal Order. In their eyes, the man who had become a priest, however horribly he might sin as a man, was still, as a priest, too holy for the mere officials of the law of this world to lay their hands on. In the controversy between Henry and Becket, this claim to ecclesiastical superiority was brought forward in its most glaring and startling form. God's minister is not under Man's law. Such in substance was the assertion then made. Few would repeat it now. Yet claims of essentially the same nature, though modified in semblance and degree, often recur in history, and are treated leniently by those who are hot and harsh in their censures of Becket; and who also overlook the arbitrary and tyrannical acts committed by his kingly antagonist during the struggle, acts that well might make the churchmen of that age believe that in resisting Henry, (as in resisting his great contemporary, the Emperor Frederic Barbarossa), they were opposing, not the champion of legal Justice, but the aspirant to unlimited Despotism.

Motives of the better clergy.

The celebrity which Becket acquired throughout Christendom during the latter years of his life, and which was increased a thousand-fold afterwards when he was venerated as Martyr and Saint, made the inventive spirit of popular romance busy respecting his birth and parentage. One tradition represented him as a Saxon by birth; and many modern writers make

Early life of Becket.

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a constitutional epoch of his first appointment to office, as marking the first promotion of one of the subject race to a post of honour, that had occurred in England since the Norman Conquest. Another more minute and more picturesque legend described Becket as the son of a gallant English Crusader, who while captive in the Holy Land, won the heart of a Saracen princess. It was told that he escaped by her aid from his prison and returned to England. The enamoured princess followed; and by repeating the word "London" found her way to the city which she had heard her love speak of as his home. The only other English word that she knew was his Christian name "Gilbert:" and by repeating this through London streets she at last found her own true knight. After baptism, she was married to him; and from this union sprang Thomas à Becket, the great champion of the rights of the Church.

So ran the popular story, which was invented within half-a-century after Becket's death; and scenes from which are to be found in very old illuminated manuscripts. But in reality, Becket's father was a merchant of Caen in Normandy, who with his Norman wife came to London, and settled there for the sake of trade. Young Thomas Becket was educated first by the monks of Merton Abbey in Surrey; and he afterwards studied at Paris, and also at Bologna and Auxerre, then celebrated for their schools of Civil and Canon Law. Becket early acquired the favour of Theobald, Archbishop of Canterbury, whom he once accompanied to Rome, and by whom he was repeatedly employed in important ecclesiastical negotiations. Becket took Deacon's orders, and received from Archbishop Theobald much valuable church preferment: and he was by him introduced to King Henry II., soon after that monarch's accession to our throne. The young

Deacon, highly gifted with intellectual endowments, an able jurist, a sagacious discerner of character, and well acquainted with the men and manners of many lands, eminent also for courtly graces and knightly accomplishments, rose as rapidly in the king's as in the archbishop's favour. Many important and lucrative offices were bestowed on him; and in 1158 Henry made him his chancellor. This high appointment did not then give such judicial power as the chancellors of after times have exercised; but all royal grants required the chancellor's seal, and all vacant baronies and bishoprics were in the chancellor's custody. And Becket, besides the regular duties of his office, was practically the king's prime minister in all matters, both of domestic and of foreign policy.

He becomes Henry's favourite minister and comrade.

He is recorded (and there seems no reason to doubt these statements of his biographers) to have been Henry's chief adviser in the wise and energetic measures by which the king restored order in his new realm. So far Becket acted as the true benefactor of the Commonwealth, as well as the personal friend of Henry. His aiding the king to levy a war-tax, under the name of scutage, on church as well as lay property, for the purpose of the king's expedition against Toulouse, appears to have been rather the act of an unscrupulous partisan of the sovereign, than of a statesman desirous to protect the rights of either ecclesiastics or laymen. We shall have occasion to speak more of scutages hereafter, when we come to the time of the Great Charter. For the present it will be enough to remark that an Anglo-Norman King, as Feudal Lord Paramount of all landholders, had a right to require the service in war of his military tenants, at their own costs, for a period not exceeding forty days. Henry, in 1159, when about to make war with the French

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King for the Duchy of Toulouse, instead of calling out this feudal array, demanded, by way of compulsory commutation, a payment of 3*l.* for every knight's fee, and, as the number of knights' fees established by the Conqueror amounted to 60,000, the sum thus realised must have been very great, considering the relative value of money in those times. Becket made the clergy pay for their lands, as if they had been lay military tenants; and he must thus have augmented largely the contribution which the king, of his own prerogative, forced on his subjects. This treasure was employed in raising and maintaining an army of mercenaries from Flanders, who contracted to serve for three months. Henry's wars in France do not require any narrative here; but no one signalised his valour in them so brilliantly as Henry's Clerical Chancellor, Becket. At the head of 700 knights, whom he equipped and kept in the field at his own expense, he was foremost in every enterprise; and on one occasion, when Engleran de Trie, a renowned French knight, rode out before the enemy's ranks and challenged the best of Henry's champions to single combat, Becket encountered him lance in rest, man to man, horse to horse, dismounted and vanquished him, and made prize of the Frenchman's charger. Such deeds endeared him to the king as much as his sageness in council. Henry's admiration and fondness for his gallant and magnificent minister knew no bounds. They were constant companions, not only in the court and in the camp, but also in the chase, and in every kind of pastime and festivity, except in those scenes of licentiousness in which Henry largely and habitually indulged, but in which Becket was never accused, even by his bitterest enemies, of having mingled.

Becket's splendour and valour.

In 1161, Archbishop Theobald died; and Henry

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1162.

resolved that Becket should succeed him in the Metropolitical See of Canterbury. Becket remonstrated: nor does there seem reason to doubt the honesty of his remonstrance. He knew well the imperious and violent temper of the king, and the certainty of their friendship being turned to bitter hate, if he should in his new station thwart the royal will. While a Deacon, Becket had been unscrupulous and lax as to clerical decorum, and as to sacrificing what were thought church-rights to royal prerogative. But he may have felt that if he were to assume the station of the highest ecclesiastic in England, of the head of the English Church save as to the Pope's supremacy,—if he were to sit on the throne of Augustine, Dunstan, Lanfranc, and Anselm,—he could no longer be the mere instrument of the kingly will, without contracting a degree of baseness and guilt, from which his soul revolted. He warned Henry that, as Primate, he would have to choose between the favour of God and the favour of the king, and that he should prefer the favour of God. But Henry treated all Becket's objections as mere specious pretences, and, after some difficulties raised by the Canterbury clergy (who, like the king, expected to find in the new Archbishop an obsequious supporter of the royal power), Becket received Priest's orders at Whitsuntide, 1162, and was then consecrated Archbishop of Canterbury and Primate of England with unusual solemnity and splendour.

The King forces the Archbishopric of Canterbury on Becket.

Instantly there came a total change upon him. Instead of a gallant soldier, a showy courtier, a far-reaching worldly statesman, there appeared in the person of Thomas Becket an austere, self-denying, self-torturing monk, a fervent devotee; an enthusiast for church privileges, who deemed all other interests mere dust in the balance compared with them, and who was ready

Change in Becket's character.

CHAP. IX.

1162—63.

to doom others to perdition, as well as to encounter exile and death himself, rather than suffer the least of those privileges to be infringed. Sudden changes in religious and ecclesiastical matters from extreme laxity to extreme bigotry are not uncommon, and are often genuine. There is a class of men that can do almost everything in excess, and nothing in moderation. Such a man was Becket: erring, arrogant, and uncharitable; but sincere, self-sacrificing, and uncompromising.

Change sincere.

Differences between him and the king.

He was not long in warning Henry not to expect to find his old friendly comrade and compliant statesman in the new Primate. Becket sent back the seals which he had held as chancellor, and informed the king that he found the duties of that office inconsistent with his religious functions as archbishop. Henry (who had doubtless heard of the change in Becket's mode of life) felt fully the significance of this practical hint that Becket would act up to his word, and would sacrifice the king's favour if the king's interests and those of the Church came into collision. Henry expressed the most vehement indignation at Becket's conduct, and received him with marked coldness when they first met.

Soon after Becket became primate, Henry retaliated on him for his withdrawal from the chancellorship, by requiring him to resign also the very lucrative Archdeaconry of Canterbury. Remonstrances and disputes were soon occasioned by the high-handed manner in which the new archbishop reclaimed various properties which had once belonged to the See of Canterbury; but it was on the question of the clergy being privileged from the criminal laws of the land, that the open and bitter conflict between the king and the prelate had its beginning.

The king's judges had complained to him that many crimes of heinous character, such as thefts, rapines, and

murders, were continually committed by clergymen, against whom the strong arm of the king's law was not allowed to act. And one flagrant instance of clerical atrocity was at this time made public, which brought the king and Becket into direct personal antagonism. A clergyman in the diocese of Worcester debauched a young woman, and murdered her father. Henry ordered that he should be brought to trial before the royal justices, but Becket interposed, and gave the accused priest into his bishop's custody, with directions not to allow him to be taken thence before the king's judges. The bishop might try the offender in his own ecclesiastical court, but he was forbidden by the canons of the church to award judgment of life or limb. He might imprison; he might order the penance of flagellation or of fasting; and he might degrade the criminal from his holy order. The clergy conceded that, if the degraded clerk committed any fresh crime, he might be tried for it like an ordinary layman; but they peremptorily denied the right of the king's court to try and to punish him for the same offence for which he had been degraded. Henry determined to bring this dispute to an immediate issue, and called his prelates together at Westminster (1163). He there addressed them on the frequency of crimes committed by ecclesiastics, and on the perilous impunity, which such criminals obtained through the remissness of their spiritual superiors as to convicting them, and through the utter inadequacy of the sentences which they received from those superiors when convicted. He demanded that all clerks charged with heinous offences should be given over to his own officers of justice, to be dealt with according to law. "This," said the king, "I demand in the name of equal justice, and for the preservation of the peace of

Becket interferes to prevent clergymen being tried by the king's judges.

Henry insists on equal justice being dealt out to all criminals.

CHAP. IX. 1163.

my realm." And this he told them was in accordance with the ancient laws and customs of the land. The bishops hesitated, and retired to deliberate. Becket rallied them against the king; and when on their return to the royal presence the critical question was put to them, whether they would obey the laws and customs of the realm? Becket made answer, "Yes, saving the rights of our order." Henry broke up the assembly in wrath; and immediately deprived the archbishop of all the State employments which he yet held, and of the important office of being tutor to the young Prince Henry, whose education had been entrusted to Becket some years previously. This would not have bent Becket's resolution; but his episcopal brethren again lost heart, and besought him to give way. A more important advocate for his submission was the almoner of Pope Alexander III., who was then in London to watch over his master's interests; and who dreaded anything that was likely to alienate the King of England from the Papacy as represented by Pope Alexander, and to make him take part with Alexander's great enemy, the Emperor Frederic Barbarossa, and with the Anti-Pope whom the Emperor had set up.

Becket at first gives way.

Under the pressure of entreaties, and of assurances that he would be doing the will of his spiritual father, Pope Alexander, if he made peace with the king, Becket followed Henry, who had gone to the palace of Woodstock, and there the archbishop stated his willingness to give the pledge which the king desired, without any reservation. Henry determined to make the most of his victory, and required that the bishop's pledge should be given publicly at a great council of the realm which the king convened for the purpose at Clarendon.

Henry now, aided by his chief justiciary, the Baron

de Lucy, prepared with much skill and some subtilty a series of propositions as to the relative rights of Church and State, which he termed the Ancient Customs, and which, from the scene of the council at which they were promulgated, are generally known in history as the Constitutions of Clarendon. They were designed to destroy Papal authority and ecclesiastical influence in the State, both root and branch; and they would certainly have made the king the arbitrary master of the English clergy, and the virtual disposer of all the most valuable church property in the realm. By them it was ordained that on the vacancy of any see, abbacy, or priory, the revenues should be taken by the king until a successor was appointed; and the successor was to be chosen by those who had the right of election, in the king's chapel and with the king's consent. There was to be an appeal from the archbishop to the king, but no appeal to the Pope without the king's leave. None of the clergy were to go out of the realm without his permission. No high officer or tenant in chief of the king was to be excommunicated without the matter in dispute having been first laid before the king, or his justiciary, for consideration; and all clergymen accused of any crime were to be brought before the king's courts, where the king's judges would determine, according to the nature of the case, whether the accused party should be remitted to the jurisdiction of his ecclesiastical superior, or be dealt with according to the general law of the land.

Henry causes the Constitutions of Clarendon to be drawn up.

The great council met at Clarendon in January, 1164. The king, the two archbishops, eleven bishops, and a large number of the lay nobles and of the king's military tenants, were present. When the Constitutions were read out, the lay members of the council readily agreed to them, and swore to observe them.

CHAP. IX. 1164.

The ecclesiastical councillors were then called on to pledge their assent, and the primate was to swear first of all. But Becket had heard with alarm and remorse the ordinances which, with stringent comprehensiveness and unmistakeable precision, were to bind the church into complete submission to the king, and he hesitated to take the demanded oath. Henry broke out into one of his constitutional fits of passion at what he termed the primate's faithlessness. The clash of weapons on the ground was heard from an adjoining room, and armed men looked eagerly and fiercely into the Hall of Council, as if about to wreak the king's vengeance on his disloyal clergy. Becket's ecclesiastical brethren knelt to him, and implored him not to bring destruction on himself and the Church by his obstinacy. Persuaded, or intimidated, he gave way, and, advancing, took the oath, by which he swore that he, without fraud or reserve, would faithfully observe the Constitutions. The other bishops followed. The king then ordered three copies of the Constitutions to be made, to which all present were to affix their seals, and which were to be preserved as solemn records. Becket had sworn, but he refused to seal. The sincerity of his oath was at once doubted by his adversaries; and he himself was already doubting its validity. He left the king in sorrow and in gloom, and on his return to Canterbury imposed penance on himself for his sin in taking the oath. The Pope, on his application, speedily absolved him from that oath; and Henry now regarded him as an enemy who could be bound by no compact, with whom compromise was impossible, and whom the king must either crush or bow down to.

Becket is at first terrified into swearing obedience to them.

He refuses to put his seal to them.

Obtains absolution from his oath.

Becket stood alone. All the other English prelates obeyed the royal will. Some of them—especially the

Archbishop of York and the Bishops of London, Salisbury, and Chichester—were the king's zealous partizans. Even the encouragement, which Becket received from the Pope, was unsteady, nor could the English primate reckon on any sure protection from Rome, for the arms of the Emperor Frederic were pressing hard on Pope Alexander and his Lombard confederates; and the Pope and his councillors dreaded the additional hostility of a king so powerful on the Continent as well as in England as Henry II. quite as much as they desired to uphold the rights of the English archbishop against the crown. But Becket, though alone, was fearless. Henceforth we find no vacillation in his conduct. He had deliberately reviewed his and the king's positions. He had set before himself his probable perils, and had determined to brave them all in what he deemed to be the cause of the Church of God. His firmness was soon tested. Before the end of 1164 he was cited before the king in council at Northampton, and called on to answer a number of charges, many of which were frivolous and vexatious, and some of which were palpably oppressive and iniquitous. He was required, among other things, to give an account of all ecclesiastical revenues which had passed through his hands when he was chancellor. The crown claimed from him a balance of 44,000 marks over and above the sums which had been expended by him in the public service. Becket vainly produced a formal acquittance of all crown claims, which he had obtained from De Lucy, the chief justiciary, before he became archbishop. The purpose of the king to ruin him and to drive him from his archbishopric was evident; and one of the partizans of the king told him plainly that Henry had declared that he and Becket could not remain together in England—he as king, Becket as archbishop. Becket's

Henry persecutes Becket by unjust claims.

CHAP. IX.

1164.

spirit rose to the height of the emergency. Clad in his archiepiscopal robes, and bearing in his own hands the silver Cross, he appeared in the hall of judgment, and confronting the assembled peers of the realm he forbade them, as sons of the Church, to proceed against their spiritual father. "I am," said he, "to be judged, under God, by the Pope alone. To him I appeal. Under his protection and that of the Catholic Church, lo! I go hence." He spoke, and slowly walked down the hall. There were murmurs at his being allowed to pass forth; and some of the meaner-spirited courtiers threw rushes from the floor at him, and called out "Traitor!" A spark of the old soldier flashed up in the saint. Becket turned, and, eyeing his assailants sternly, exclaimed, "Were it not for my sacred order, I would teach you to rue that word." None moved to hinder him further, and with a few weeping followers he repaired to a neighbouring church, where he placed his cross, and lay down before the altar.

Dignity and firmness of Becket.

By a speedy and secret flight Becket eluded Henry's preparations for detaining him in England; and, after a short sojourn in Flanders, he found shelter for some time in the Abbey of Pontigny, in France. The French king, who was on ill terms with Henry, treated the exiled archbishop with favour; and the fame of Becket's struggles and sufferings began to win sympathy for him in many parts of Christendom, and especially in Henry's continental dominions. This was greatly increased by an act of tyranny which Henry committed; an act as impolitic as it was atrocious. Incensed at the influence which Becket, though a refugee, exercised, and still more exasperated by the controversial letters which Becket continually addressed to the English bishops, to the Papal court, and to other quarters, letters which were extensively

He escapes to France.

circulated, and in which the king and his adherents were reviled and threatened in no measured language, Henry not only seized on all the revenues of the See of Canterbury, and on the estates of the friends of Becket, who had followed him abroad, but he banished from England, by an arbitrary edict, without any warning or form of trial, all Becket's kinsmen, and all who were known to have been on terms of intimate friendship with him, or dependent on him when he was in the realm. All these, with their wives and families, were commanded to leave the country instantly; and each grown person was compelled to take an oath to repair forthwith to the Abbey in France where the archbishop was residing, so that Becket's feelings might be pained by the sight of the misery which he had brought on so many who were near and dear to him. This cruel order was executed as mercilessly as it was illegally given; and no less than four hundred innocent persons, including helpless women and mere babes, were driven in the depth of winter from their English homes to become destitute outcasts in a foreign land, and to inspire wherever they wandered the deepest indignation against the English king, and the strongest sympathy with his opponent.

Henry's tyranny towards Becket's kinsmen and friends.

Becket remained abroad for six years, during which time several ineffectual attempts to reconcile him and Henry were made by the French king, and others. At last the king and the archbishop met on seeming terms of good-will and courtesy at Fretteville. Nothing was said about the Constitutions of Clarendon: the chief topic on which they conversed being the manner of the recent coronation of Prince Henry. The English king had wished that (as was not uncommon in that age) while he was still living his eldest son should be crowned, and associated with him in the sovereignty.

Attempts at reconciliation between the king and the archbishop.

CHAP. IX. 1170.

The right of crowning a king of England was regarded as the special prerogative of the Archbishop of Canterbury. But the Archbishop of York had crowned young Henry; and some of the other English prelates, who were Becket's bitterest enemies, had joined in the ceremony. In the interview at Fretteville the king promised Becket that the young prince should be crowned anew, and that Becket should officiate. But Becket, though he professed to be satisfied with this, so far as the king was concerned, was silent as to his deep-set resolution to avenge himself upon his ecclesiastical brethren who had usurped his functions. He had procured Papal decrees, suspending the Archbishop of York, and excommunicating the Bishops of London and Salisbury. Sending these missives of spiritual wrath before him by trusty messengers, Becket returned to England on the 1st of December, 1170. He was welcomed with rapture and almost adoration by the commonalty and the greater part of the clergy; but the high prelates, against whom he had thus signally displayed his spirit of implacable hostility, and many of the lay nobles, were loud in their complaints against his unbending pride and unchristian turbulence. Henry, who had remained in Normandy, broke out into his customary fury when he heard of Becket's proceedings. In fatal passion he exclaimed: "Is there not one among the many who eat my bread, with courage enough to rid me of this factious priest?" Four knights who heard the king's words, Reginald Fitz Urse, William de Tracy, Hugh de Moreville, and Reginald Bristo, resolved that they should not have been spoken in vain. They fixed a meeting-place at Saltwood, near Canterbury; and then started separately, and by different routes, for England. Their absence was remarked at the king's council on the

Becket returns to England.

His open animosity against the King's supporters.

Henry's fatal words of anger.

next morning, when the question of how Becket should be dealt with was solemnly discussed. It was resolved that he should be arrested and brought to trial; and royal commissioners were sent to England for the purpose. They received instructions also to watch for the four missing knights, and to take heed that no rash act of unauthorised violence against the archbishop should be attempted. But the four self-appointed wreakers of the king's wrath were already on their paths of blood; far outspeeding the regular ministers of formal law.

Becket assassinated by Henry's knights in Canterbury Cathedral.

Rude outrages and fierce threats had already been directed against the archbishop by some of the king's violent partizans in England; and Becket had a deep foreboding that he was about to die. He preached in the cathedral on Christmas Day, and told the congregation that they already had had a martyr (St. Alphage) among their archbishops, and that they soon would have another. Though aware of his danger, he neither sought to fly, nor to disarm the wrath of his adversaries by any concessions. On the contrary, his bitterness as well as firmness of spirit increased as his hour drew nigh; and at the close of this Christmas Day sermon, his last public discourse, he pronounced three new excommunications, and cursed by name those whom he termed the evil ones of the earth, especially some of the king's favourite courtiers, with a degree of fiery animation, which one of his admiring ecclesiastical biographers has carefully noted and recorded. On the fifth day afterwards the four knights were in Canterbury. No merciful misadventure had thwarted or delayed their meeting. They had collected a small body of troops, and taken up their quarters near the cathedral. Yet at first even they seemed to feel remorse and awe; and

CHAP. IX. 1170.

they sought the archbishop's presence unarmed and unattended. They announced themselves as king's messengers, and Becket received them with grave courtesy. They reproached him with his ingratitude to the king, and required him to absolve the excommunicated prelates. Becket refused firmly, but calmly. They told him that it was the king's will that he should quit the realm, and that he perilled his life in defying the king. Becket exclaimed, "Your threats are vain. If all the swords in England were waving over me, I would not flinch. Foot to foot you should find me fighting the battle of the Lord!" "I will do more than threaten!" exclaimed Fitz Urse, and rushed from the room with his companions. The archbishop's followers closed and barred the gate; but the tramp of armed men and the noise of the breaking in of bolts and pannels were soon heard. It was now evening; and the bell had begun to toll for vespers. Pressed and solicited by his weeping friends, the archbishop withdrew from his palace by a cloister to the cathedral, his pastoral crosier being borne before him. He would not allow the cathedral door to be barricaded, saying: "God's house is not to be fenced and barred against those who seek entrance, like the house of a man." He passed through the north transept, and was proceeding to the steps that lead up to the choir, when the murderers, fully armed, and brandishing their swords, appeared at the further end of the church. Some of Becket's followers fled, and hid themselves in the crypts amid the twilight gloom, but the archbishop tarried, and steadily confronted the assailants. Another brief altercation of fierce demand and unbending refusal followed, when William de Tracy, to whom Becket had applied a term of personal contumely, exclaimed, "Die!" and brought his sword down on

the archbishop's defenceless head. Becket clasped his hands, and called on the Lord and the saints to receive his spirit. Blow after blow was dealt on him, even after he had fallen, until the skull was cloven, and the brains and blood were poured out upon the consecrated pavement. "Away! it is time for us to be gone! For the king! For the king!" exclaimed the conspirators, and rushed away from the cathedral.

Enthusiasm in favour of Becket.

If it is impossible, even after the lapse of nearly seven centuries, to read the narrative of this foul and cowardly murder without indignation against its perpetrators, and without admiring sympathy for its victim, we may judge what must have been the effect which the tidings of it produced among the men of that generation, not only in England, but in every part of Christendom. Whilst Becket lived, many censured his pride and vindictiveness, more than they eulogised his courage and his devotion to the Church cause. But his heroic death called forth an universal enthusiasm in his behalf, amid which all partial blame and qualifying disapproval were forgotten. He was patriot, martyr, and saint. Miracles were soon believed to be wrought where his sacred relics lay; and the Pope was only giving utterance to the popular belief, when, two years after Becket's death, the canonisation of the holy martyr St. Thomas was solemnly proclaimed at Rome. For centuries his shrine was the favourite object of pilgrimage, the receptacle of the richest offerings, and the scene of the most fervent vows, until an eighth Henry arose in England, one who most strongly resembled Becket's royal adversary in both evil and good qualities, and who, in his zeal for kingly power and hatred of Rome, persecuted the memory of the sainted sacerdotal chief with unremitting hostility. Henry VIII.'s order for the destruction of all monu-

He becomes Martyr and Saint.

CHAP. IX. 1170—74.

mental and other records of Thomas Becket were so well obeyed, that it is difficult to find in England an image or a painting or any representative memorial of England's once favourite saint; though they are abundant on the Continent, and prove how widely spread through Christendom was the fame of our St. Thomas, and how generally and earnestly he was adored.*

Henry's remorse and penance.

Henry II. was at first held up to execration as the real author of Becket's death; but the king's earnest protestations, that the crime was committed without his authority or knowledge, were at last believed; and the affliction, which he showed on hearing of the dreadful event, has been generally regarded as sincere. But words of his, however hasty, however little meant by himself to be acted on, had been the immediate cause which moved the blood-shedders to their work; and it was with the utmost difficulty that the Pope was prevailed on to abstain from excommunicating the king. The Pope in such a matter might be looked on as declaring the public voice of Europe; and Henry strove by every means to obtain such a reconciliation with the Head of the Church, as would amount to a solemn acquittal from complicity in Becket's murder. The reconciliation was granted to him on terms which included his pledging his oath, that he had neither ordered nor desired the death of the archbishop; on his swearing to give up the Constitutions of Clarendon and all evil customs introduced during his reign; and on his restoring to the See of Canterbury all its rights and possessions, and pardoning and recalling all whom he had treated as offenders on the late primate's account. In addition to thus surrendering the favourite projects of his reign, Henry, a short time

* See Mrs. Jameson's Legends of the Monastic Orders.

afterwards, publicly subjected himself to a humiliating penance for his supposed offences towards the saint while on earth. In 1174 the king walked barefoot for some miles to the tomb of the martyr at Canterbury, and there, kneeling down, was scourged by the monks on his bare back. The multitude gazed in admiration of the king's piety, but in still greater admiration of their new saint, whose holiness was thus acknowledged by the sovereign who had so long been his mightiest adversary. 1170—74.

Conquest of Ireland by Henry.

During the interval between the death of Becket and the king's penance at the archbishop's tomb, Henry had undertaken and partly effected the conquest of Ireland; and from this point the history of that country becomes blended with the history of England. Ireland's geographical position and area have already been described:* and we have seen that the Roman general Agricola, while in Britain, had formed, but had relinquished, the project of annexing it to the dominions of Rome.† Though Ireland was thus spared the temporary miseries of conquest by the Legionaries, it has probably proved unfortunate for her in the long-run that she never was made a province of ancient Rome. Nor did any settlement of Germans take place in her, such as England and the greater part of Western Europe experienced during the fifth and sixth centuries after the Christian era. The earliest population of Ireland (so far as we have any trustworthy evidence) was Celtic; and it has continued to be chiefly Celtic to the present time. The Scandinavians, however, did not spare her coasts. It was only Ireland's comparative poverty that exempted her from being as searchingly and systematically ravaged by

Account of Ireland before the English invasion.

* Chapter I., page 2.

† Page 39.

CHAP. IX. 1171.

Danish armies during the ninth and tenth centuries, as were England and France. The spirit of commercial enterprise, which mingled so largely in the Danes with love of martial adventure, made them discern and appreciate the admirable natural advantages of the Irish shores; and the Danes, the Ostmen (that is, the men from the East, as they styled themselves in Ireland) occupied permanently a large maritime district along the south-east and south of the island. The important marts of Dublin, Waterford, and Wexford, were either founded by the Danes, or were first raised by them to the rank of great commercial cities.

The Irish appear to have been, at the time of the English invasion, in a state of extreme political disorder and social degradation. There had been times when the old Irish stood far higher among civilised mankind. Christianity had been early introduced among them, and zealously adopted; and the renown of Ireland for the number and for the eminence of her learned men, and saintly ecclesiastics, was in the seventh century far-spread throughout Christendom. The special evidence as to particular details of this may be obscure; but the collective proof as to the general facts is conclusive. And the proved fact of the educational and religious institutions of a country being in a flourishing condition proves, by implication, the existence at the same time of a considerable amount of social order, and steady government. But whether from the common progress of internal corruption in her institutions, or from domestic warfare and sedition, or from the ravages of the Danish invaders, or from these and other causes combined, Ireland had in the twelfth century sunk far below the standard of prosperity which she had once attained. One old writer, who speaks of Henry II.'s first design of inva-

sion, says that—"The king cast in his mind to conquer Ireland: he saw that it was commodious for him, and considered that they were but a rude and savage people." And such they then unquestionably were. They were divided into numerous independent clans, almost always at war with each other. The same spirit of strife and disorder existed in the interior of each clan. During the lifetime of the chief a successor, called a Tanist, was elected, who generally sought by violence to hasten the period of his accession, and who was in turn regarded by the yet living chief as his natural enemy. When a chief died, his successor assembled all the males of the clan, and re-distributed among them at his discretion all the lands that had been previously held by the clan, or any member of it. The same process of general confiscation and re-distribution was repeated when any tenant of land died. The primitive laws, according to which justice was administered among the native Irish, are spoken of by the name of the Brehon laws. They were never committed to writing. We know little respecting them, except that they contained regulations for the barter of goods, for the payment of fines in cattle and in other commodities, and not in money; and that, according to them, murder was punished, not by death, but only by a fine.

As has been said, the Irish clans were independent of each other, but the strong ones acquired and exercised a fluctuating ascendancy over the weaker ones; and some of the more powerful chieftains assumed the title of king. At the time of the coming over of the English, there were in Ireland the five kingdoms of Munster, Meath, Ulster, Leinster, and Connaught. Some one (that is to say, the strongest for the time being) of these five kings claimed a paramount supe-

CHAP. IX.

1174.

riority over the rest; and often styled himself King of Ireland. But his authority over the other kings was as vague and varying, as was theirs over the minor chieftains in each territory. The descendants of the Danish settlers in the eastern and south-eastern towns had forgotten their ancestral aptitude for discipline and combination, and had sunk down to the level of the disorderly race among whom they lived, and with whom they had intermarried. All that was good was lost in Ireland, except so far as there is good in the qualities which the Irish have never lost—personal bravery, or rather personal daring; uncalculating generosity; keen susceptibility to intellectual as well as physical emotion; and reckless readiness for enthusiastic yet seldom fickle attachments.

Hadrian IV., the English Pope, authorises Henry to conquer Ireland.

Henry II. had designed to conquer Ireland in the very first year of his reign. An Englishman was then Pope of Rome: the only Englishman that ever held that station. This was Nicholas Breakspear: originally a poor scholar, who travelled from university to university, first that he might learn, and latterly that he might also teach; and who, by his abilities and well-deserved reputation for piety, had risen to be the head of Romish Christendom, and, as Pope, took the title of Hadrian IV. Henry applied to him for the papal sanction to the projected enterprise against Ireland; and the English pope gave it readily, in terms which showed (as did the rest of Hadrian's acts while Pope) that the poor student from St. Albans upheld the pontifical dignity which he had acquired, as boldly and as haughtily as any of his predecessors. Hadrian pronounced solemnly that all islands which had received the light of the Gospel belonged to St. Peter and the Holy Roman Church; and, by virtue of the authority which he, as St. Peter's successor, thus held

over Ireland, he empowered the English king to take possession of the country, and charged the inhabitants to receive him as their lawful lord. Henry, however, laid aside his schemes of Irish conquest for many years; nor were they resumed by him until the victorious adventures of some of his nobles in Ireland induced him to cross over thither in person.

Disputes of the Irish chieftains.

Devoirgil, the wife of O'Ruarc, chief of Breffni, a little district in Leinster, had eloped with MacMurrough, the king of Leinster. O'Ruarc, aided by King Roderick of Connaught, made war on MacMurrough, and drove him from Ireland. MacMurrough came to King Henry II.'s Court in 1167, and asked aid to recover his kingdom, offering to become King Henry's vassal in return. The English king gave MacMurrough fair words; but Richard de Clare, Earl of Pembroke, surnamed Strongbow, both promised and gave much more effective assistance. He was to be rewarded by the hand of MacMurrough's daughter Eva, and by the succession to the throne of Leinster. Strongbow first sent across one of his adherents, Robert FitzStephens, with a small force, that occupied Wexford, and defeated the Irish of that place and the neighbouring localities. In 1170 the Earl came over, with 200 knights, and 1000 other soldiers. His victories over the Irish were such as are usually achieved, when well-armed, well-trained, and well-led soldiers encounter an undisciplined, though brave and numerous peasantry. Strongbow took Waterford and Dublin; and MacMurrough became nominally again king of Leinster, all real power being held by the conquering strangers. But Henry took alarm at these successes of his overpowerful vassal, the Earl of Pembroke; and, after hesitating whether he should not recall all his subjects from Ireland, and cause the abandonment of the whole enterprise, he at last determined to make it a royal

English aid called in.

Strongbow, Earl of Pembroke, lands in Ireland.

His victories.

Henry II. comes over.

CHAP. IX. 1170—74.

conquest, and to lead such a force into Ireland as should ensure his supremacy, not only over the Irish, but also over their baronial invaders. He landed with an army of 500 knights and 4000 other soldiers, near Waterford, in October, 1171. Strongbow had already consented to surrender to him the city of Dublin and all other fortified places along the coast; and the native Irish rulers (including King Roderick) made ready submission to the English sovereign, acknowledging him as their lord, and giving hostages for their payment of tribute and for their bearing him true allegiance. After some regulations, by which attempts were made to improve the ecclesiastical and civil government of the country, Henry returned to England, at Exeter, 1172, leaving behind him Hugh de Lacy, as governor of Dublin, and as chief representative of the King of England in his lordship of Ireland.

He is styled Lord of Ireland.

Henry's war with the Welsh and Scots.

Henry was more than once engaged in warfare with the Welsh during his reign; and he suffered some severe repulses in his attempts to penetrate and subdue the difficult country of these stubborn mountaineers. He was more successful in the hostilities which broke out at various periods between the English and the Scotch while he was king; and, though he never led any army into Scotland with the view of subjugating the country, he was enabled, by a great victory which his Chief-Justice, Glanville, gained over the Scottish king in 1174, to obtain the formal recognition by the Scotch of the feudal dependance of their crown on that of England. We shall have occasion to discuss the early relations between Scotland and England, when we come to the reign of Edward I.; at present it need only be observed, that this victory over the Scotch was gained at Alnwick, whither the Scotch King William had led an army, in pursuance of the confederacy which he had formed with Henry's rebellious sons against their father.

CHAP. IX.

1170—73.

Discords in Henry's family.

The unnatural discords in the English Royal Family, of son against parent, wife against husband, brother against brother, darkened with misery the last sixteen years of Henry's life and reign. He had, throughout his maturer age, as well as his youth, disgraced himself by unprincipled licentiousness; and he had changed the passionate fondness, once borne towards him by the bold bad woman whom he had married, into bitter hatred and jealous eagerness for revenge. Queen Eleanor's character for morality was little better than that of her husband; but she did not on that account the less keenly resent his neglect of her, and what she deemed his ingratitude for the splendid provinces which she had brought him as her dowry. She instigated her sons, who were approaching manhood, to avenge her wrongs; and other influences were at work to urge those princes forward on the path of wickedness. Henry had sought to gratify his paternal affection, or his vanity, by causing his children to be solemnly invested with the titles and outward show of dominion. Prince Henry had been invested with the earldom of Maine and Anjou, and had been twice crowned king, once in 1170, and once in 1172. Richard had been made Duke of Acquitaine, and had done feudal homage to the French king for that province. Geoffrey, the third son, was Duke of Brittany. As had been the case in the Conqueror's family,* the young men desired to rule in reality, while their father wished to retain the substance, though he liked to share the pageantry, of sovereign power. The French king favoured the pretensions of the young princes; and there were many courtiers and false friends around them to feed their ambition and quell their filial scruples, by enlarging

Queen Eleanor.

Henry's sons make war on their father.

* See page 160, *supra*.

CHAP. IX.

1173—86.

on their supposed wrongs, and painting the conduct of the old king towards them and towards their mother in the blackest colours. Open warfare broke out in 1173. Queen Eleanor left her husband, and was making her way to France to join her sons and their allies, when she was captured by Henry's officers, and was thenceforth kept in close imprisonment during the rest of her husband's lifetime. A pacification between the king and his sons was effected in 1174, but was not of long continuance. The old king required Richard to do homage for Acquitaine to his brother Henry, who was generally styled the young king. Rather than do this, Richard took up arms against his father and brother. A series of hollow reconcilements and fierce renewals of disgraceful strife ensued; sometimes one prince fighting on the father's side; and sometimes all the elder three fighting against the old king. Prince Henry died of a sudden illness in 1183; and Geoffrey was killed in a tournament in 1186. King Henry loved his children tenderly, in spite of their conduct towards him, and their deaths went to the old man's heart. Still the spirit of discord between him and Richard continued to rage; and Richard had some additional excuse for his continued hostility to his father, on account of Henry's conduct respecting the French princess Adelais, who had been sent to the English court to be Duke Richard's bride. Henry detained her from his son; and it was imputed to him that he so detained her because he coveted her charms for himself. Unhappily the general profligacy of Henry's life gave too much colour to the horrible charge. Aided by the French king's troops, and vigorously supported by the warlike population of Acquitaine, by whom Henry was regarded as the oppressor of their hereditary chieftainess Eleanor, Richard gained many advantages over

Death of the elder son, Prince Henry.

Continued hostilities between Prince Richard and King Henry.

his father's armies, and at last besieged the old king in the city of Tours. Broken-hearted and broken-spirited, Henry asked for peace on his enemy's own terms. One stipulation was, that the English king should pardon all his subjects who had taken part in these troubles against him. Henry lay on a sick-bed when the list of confessed traitors to whom he was to pronounce impunity was brought to him. The first name was that of his youngest and best-beloved son, Prince John, whom he had hitherto always believed to be his loyal and affectionate child. At the mention of John's name the king groaned with agony, and turned his face to the wall, exclaiming that there was now nothing in this world left to him to care for. As his malady increased, he removed to Chinon, where he soon felt that his last hour was approaching. In his bitterness of soul he cursed the day when he was born. "Woe is me!" he exclaimed; "shame be upon me, a conquered king; and may God's curse be upon the children who have stretched me here." The attendant priest strove in vain to make him recall that malediction. He died on the 6th of July, 1189, and his body was borne to the Abbey of Fontevraud for burial. Richard entered the Abbey while the coffin was yet unclosed; and, while he was gazing on his father's corpse, blood was observed to be oozing through the nostrils. The superstitious belief that the body of a murdered man will bleed in the presence of the murderer is as ancient as it is wide-spread; and Richard acknowledged with awe and tardy remorse what all around deemed to be the declared judgment of God. Richard is said to have shuddered, and to have knelt down for a time in silent prayer. Ten years afterwards he was himself laid a corpse in that abbey at his father's feet.

The old king defeated and besieged, and forced to beg peace.

His misery and death.

Scene at his burial.

CHAPTER X.

The Crusades and the Crusaders—Duke Robert of Normandy—Capture of Jerusalem in the First Crusade—The Christian Kingdom of Jerusalem—Weakness of its permanent defenders — Temporary enthusiasm that instigated each Crusade—St. Bernard—Second Crusade—Its failure—Victorious progress of the Mahometans—Amount of continuous reinforcement which the Christians in the East received—Causes that led men to take the Cross—The Knights Templars and the Knights of St. John—Chivalry, as promoting and as promoted by the Crusades—Its religious ritual—Saladin takes Jerusalem—Effect of this in Europe—Philip of France and Richard of England take the Cross—Character and personal appearance of Richard—He retains his father's ministers—His coronation — Massacre of the Jews by the populace — Richard's unscrupulousness in raising funds for the Crusade—Siege of Acre by the Christians—Efforts of Saladin to relieve it—The Kings of France and England reach Acre—Capitulation of the city—The French King leaves Palestine—Slaughter of the garrison of Acre—Richard's march on Jaffa and Ascalon—His generalship and valour—Obliged to return without reaching Jerusalem—His capture and imprisonment by the Austrian Duke and German Emperor—His ransom, and return to England—Misconduct of Prince John during his absence—War with France—Death of Richard—Death of Saladin—Remarks on the subsequent Crusades—Effect of the Crusades on England, and Europe generally.

CHAP. X. 1095-1189.

RICHARD THE FIRST of England was so conspicuous among the leaders of the Crusades, that a brief consideration of those remarkable enterprises becomes an essential part of our subject when we reach his reign.

The First Crusade: 1095.

The earliest expedition for the rescue of the Holy Land from the Mahometans by the warriors of Western Christendom (who, from their assuming the badge of the Cross, were styled Crusaders,) was undertaken at the time when William Rufus was on our throne; and we have had occasion to mention his brother, Duke Robert,

as eminent among the chieftains of the first Crusade. Notwithstanding heavy losses, the first Crusaders' army made its way victoriously through Asia Minor and Syria into Palestine; and, on the 15th of July, 1099, they stormed and captured Jerusalem. A Christian kingdom with territories of considerable extent was then founded in the Holy Land, called the Kingdom of Jerusalem. It was soon found that no reliance could be placed on the native population of the country for co-operation in the military defence of the new realm; and the Eurasian descendants of the Crusaders by their unions with native women proved to be a race more worthless than the natives themselves.

Christian kingdom of Jerusalem: 1099.

European arms had won Jerusalem, and European arms alone protected it for nearly ninety years against the unceasing hostility of the Caliphs of Egypt, and the powerful chieftains of the fanatic and warlike tribes of the Seljukian Turks. Like all other movements, which are originated rather by sympathy and enthusiasm than by calculating resolution and politic principle, the spirit of crusading displayed itself among the European nations more in occasional spasmodic efforts of enormous energy and self-sacrifice, than in any continuous supply of reinforcement to this outpost of Christendom in the midst of the Mahometan world. The fervid preaching of Peter the Hermit had kindled the contagious zeal of the multitudes who poured from Europe into Asia, or perished on the path, in the first Crusade. Saint Bernard, in 1144, when tidings of the fall of the Christian principality of Edessa had reached Europe, and when men were awakened to the probability of a Mahometan recapture of Jerusalem, was able to launch another half million into the second Crusade, under the Emperor Conrad and King Louis VII. of France. This was the most

Its dangers and difficulties.

St. Bernard preaches the Second Crusade: 1144—47.

CHAP. X.

1147—89.

calamitous of all the Crusades for the Christians. The German Emperor and the French King each underwent disaster and overthrow; and the Crescent continued its reactionary advance against the Cross from Edessa to Antioch, from Antioch to Lebanon, from Lebanon to Mount Calvary. The consideration of our immediate subject, the history of England, will soon lead us to observe the special catastrophe, which summoned Western Europe to its third Crusade under Frederick Barbarossa of Germany, Philip Augustus of France, and Richard of the Lion Heart of England, against Mahometanism, under the most gallant and glorious of its many gallant and glorious champions, Saladin the Great.

Progress of the Saracens.

The Third Crusade: 1189.

Saladin the Great.

But though it was only thus at intervals that European Christendom put forth its might in the great struggle for the possession of the Holy Land, the stream of supply to the defenders of the Kingdom of Jerusalem, though often scanty, never entirely failed. Men's virtues and men's sins alike guided them to the East. The religious enthusiast, whether a gloomy, self-torturing fanatic, or a rapturous devotee, believed that a campaign in Palestine, with its perils, its toils, and its privileges of treading the very ground which our Saviour when in human form had hallowed by his footprints, would afford him the opportunity of fulfilling the most solemn duties, and of enjoying the greatest felicity, of human life. The adventurous knight-errant saw in Palestine the field for the wildest adventures, the most gallant adversaries, the most widely renowned exploits. The generous-hearted, when they heard of the hard struggle maintained by the scanty Christian forces of the Kingdom of Jerusalem against the ever-increasing hosts of misbelievers, were touched with sympathy,

Stream of crusading pilgrims: their characters and motives.

and with the longing to charge to the rescue of the overburdened brave. On the other hand, was there a prince, a baron, a knight, or a simple man-at-arms, in whom, after a long course of guilt, or some one hideous and horrible crime, remorse had awakened, and who shrank from his own conscience, even as fellow Christians in his home shrank from him?—to such a man the priest enjoined warfare in defence of Christ's Sepulchre against the Infidels as the most efficacious penance; and in the turbulence of that warfare did many thousands of such fierce and terrible spirits find their only peace on earth.

Military Religious Orders: the Templars and Hospitallers.

The institution of the Military and Religious Orders of the Knights Templars and of the Knights Hospitallers of St. John of Jerusalem gave the means of organising a large portion of these recruits of Europe into two small but highly efficient standing armies for the defence of the Christian cause in the Holy Land. The members of these orders took the monastic vows of chastity, poverty, and obedience; to which they added the military vow, that they would wage unceasing war against the misbelievers, and that they would afford unfailing protection to Christian pilgrims. Many nobles of the highest families in Christendom enrolled themselves in their ranks; and they speedily obtained large endowments of land in nearly every country of Western Europe. As their wealth and power increased, their purity and humility vanished. But they never were untrue to the martial half of their original character. They were long the chief bulwark of the Christian realm in Palestine. After the utter overthrow of that realm, the fortunes of the two orders were widely different. The Knights Templars were destroyed in 1312, chiefly through the atrocious treachery and cruelty of Pope Clement V.

Their vows.

Wealth and power corrupt them: their valour remains.

Destruction of the Templars: 1312.

CHAP. X. 1147—89.

and King Philippe le Bel of France. The order of the Knights Hospitallers survived to our own times; and gained imperishable glory by its resistance to Mahometan power, first as the Knights of Rhodes, and afterwards as the Knights of Malta.

Duration of the Hospitallers.

The Templars and the Hospitallers were not the only military orders called into existence by the Crusades; and, generally speaking, the spirit of chivalry among the nobility and gentry of Europe was as much promoted by those enterprises, as chivalry had aided the origin and the intensity of the crusading movement. The rudiments of some of the institutions of chivalry may be found among the ancient Germans, who celebrated the investiture of the youthful warrior with his arms as a high and solemn ceremony.* We have already had occasion to observe how the state of Europe during the tenth and eleventh centuries favoured the increase of the power of the nobility, and we have noticed the peculiar social usages developed among them. We have seen how habitual had become the castle-life of the nobleman with his band of armed retainers and well-born youths around him, and with the ladies of his family to give grace to their martial exercises, and to stimulate them to romantic enterprise and brilliant valour.† Nothing of all this had died out or decayed during the twelfth century; and the Normans, among whom were the most daring and the most successful of European chevaliers, had established chivalry thoroughly and effectively in England. Feudalism, with which chivalry is so closely connected, must be described in a separate part of this work. Suffice it for the present to say, that the upper classes of the native English, under the latter Anglo-Norman

Chivalry animated by the Crusaders.

Rudiments of chivalry.

Its development in the 10th and 11th centuries:

still vigorous in the 12th.

Norman chivalry in England.

* Tacitus, Germania, sec. 13.

† See p. 144, *supra*.

kings, caught the chivalric spirit, and adopted chivalric usages, as warmly as the Normans themselves. There had always been a religious element in chivalry, which the Crusades developed more strongly, and to which an at least ostensible predominance was thenceforth given in all the rituals and professions of knighthood. Long prayer and fasting, the solitary watch in the midnight chapel, the exhortations of the priest, and the reception of the Holy Sacrament, purified and hallowed the candidate for the rank of knight. He then underwent strict questioning as to whether the rank was sought by him from merely worldly motives, and as to his resolution to perform all knightly duties, to stand firm in the cause of right, to protect the weak, to be ever ready to do battle if woman required his aid, to keep faith with all, and especially to be true to his brothers-in-arms. Then, the aspirant, if deemed worthy, was arrayed in knightly armour by the hands of knights; or, if the occasion permitted, by the fair hands of high-born ladies. Lastly, the knight who was to confer the rank *dubbed* him, as he knelt, by the *accolade*, that is, by striking him with the flat of the sword on the shoulder or nape of the neck, and bidding him rise a knight. Holy names were usually at the same time invoked, and an admonition given to be brave, bold, and true.

The religious element in chivalry.

Discipline of the candidate for knighthood.

The *accolade* conferred.

We have seen how the Germans and French had failed in the second Crusade to check the progress of the victorious Mahometans against the Kingdom of Jerusalem; and after the retreat of the German Emperor and the French King the superiority of the Saracenic arms in Asia became more and more manifest. At last Saladin completely defeated the combined Christian forces at the battle of Tiberias (1187), taking prisoners the King of Jerusalem, the

The Saracens in the ascendant.

Battle of Tiberias.

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1147—89.

Capture of Jerusalem by Saladin: 1187.

Effect of the news.

Grand Master of the Templars, and many other Christian leaders. The conquering Sultan soon invested Jerusalem; and that city fell again under the Mahometan rule. The tidings of this disaster spread sorrow and indignation throughout Europe. The Pope was vehement in his exhortation to all Christian men to take arms, or at least to aid by their contributions in the recovery of the Holy City, the Holy Sepulchre, and the Holy Cross. A special tax was imposed on the clergy, which bore the terribly significant name of the Saladine Tenth. The sovereigns and nobles of Europe were not appealed to in vain. The great Emperor Frederick Barbarossa prepared to lead his veteran German armies to the East. Our Henry the Second, who was still alive, assumed the Cross, as did Philip Augustus of France, and Earl Richard, then in arms against his father. The death of Henry made Richard King of England, and lord of the other ample dominions of the House of Plantagenet. He was now in a condition to fulfil his vow as a Crusader on a scale of grandeur commensurate with the importance he attached to it.

The Third Crusade.

Accession of Richard I.

His character and person.

Richard I. was born at Oxford in the year 1157. From his youth up he had held high command in Poitou; and he had been trained to arms in frequent enterprises against the insurgent chiefs of the wild population of that province, besides the melancholy hostilities in which he was too often engaged with members of his own family. His personal strength and daring courage, his dexterity in the use of his weapons, his skill in forming his military plans, and his pertinacity in carrying them out, were early renowned in Europe; and he was called Richard the Lion, long before his expedition to the East. One of his comrades in his Asiatic campaign has briefly de-

Surname of "the Lion."

scribed the personal appearance of the great English warrior; and we learn from Geoffery de Vinsauf that Richard was tall of stature, well framed, and of graceful carriage. His hair was between red and auburn. He was remarkable for length and strength of arm; and none could equal him in his power of wielding a sword and striking with effect. We know from stanzas by Richard himself, which have come down to us, as well as from other authorities, that he was passionately fond of the Provençal poetry of his age, and a friend and patron of many of the most eminent troubadours. In such a prince the most ardent enthusiasm must have been awakened by the prospect of brilliant combats and spirit-stirring adventures in the gorgeous realms of the East; by visions of conquests which for ages should be the chosen themes of chronicler and minstrel; and, above all, by the opportunity of measuring himself against a leader hitherto so triumphant and so renowned as Saladin. Nor should we do justice to Richard's character, if we did not believe him sensible to what were in that age deemed the holy motives for a Crusade, and to have been also desirous to make atonement for his recent guilt in his conduct towards his father.

His poetic temperament.

We have, indeed, certain proof that Richard's remorse, as shown by him over his parent's grave, was not utterly transient, in the recorded fact that among his first measures when he became king, were the discarding of the followers and advisers by whom he had been encouraged in his rebellion, and the calling round him the faithful ministers of the old king. Such a course promised well for his government of his dominions, if he had remained in them; but Richard's heart was in the Crusade, and he looked on this kingdom and his other realms, less as objects towards which

Signs of his remorse:

Henry's ministers retained.

CHAP. X.

1189—90.

he had kingly duties to perform, than as means for raising the amount of treasure required for his Eastern expedition.

The coronation.

Richard came to England in the autumn of 1189, and was crowned at Westminster with unusual magnificence. The splendour of the ceremony was disgraced

Massacre of the Jews.

by an atrocious massacre of the Jews in a tumult which the multitude raised against that unhappy people, whom too many in that age regarded as the natural enemies of the Christian. Similar outrages were perpetrated against the Jews in other towns. Richard issued a proclamation by which he took the Jews under his protection, and forbade any man to harm or molest them. Three of the rioters, who had burned the houses of Christians as well as Jews in the tumult, were hanged by the king's orders; but no further judicial notice was taken of these crimes. The king thought only of collecting and equipping his fleet and

Ways and means for the Crusade: waste and extortion.

army for Palestine. For this purpose, besides alienating Crown lands far and wide, he put up for sale magistracies, dignities, and franchises. He sold to the King of the Scots Berwick and other border strongholds; and when remonstrated with for thus stripping his kingdom, he replied that he would sell London itself if he could find a purchaser. By these means, and by rigorous imposts on all classes of the community, Richard collected one of the strongest and best appointed armaments that ever left the shores of Britain; and it was largely reinforced from Normandy,

Forces of Richard and Philip mustered at Vezelai: 1190.

from Acquitaine, and the other continental provinces that were subject to the English king. The plain of Vezelai in Southern France had been agreed on by him and Philip Augustus as the muster-place for their collective forces, and in June, 1190, the two sovereigns met there, and found that their united armies amounted

CHAP. X.

to 100,000 men, who comprised the very flower of the warriors of England and France.

1190.

The German Emperor, Frederick Barbarossa, had already commenced the third Crusade by the usual route through Asia Minor. The reputation of Frederick as a general and a statesman, and the strength of the veteran army which he commanded, awoke and justified the highest expectation of success. But Frederick met an accidental death while bathing in the river Cydnus in Cilicia, and the greater part of his knights then returned to their homes. The plan of the English and the French kings was to transport their forces from the south of France to the Holy Land by sea; and they agreed that their first scene of operation should be beneath the walls of Acre. That city was then in the hands of the Saracens, but was being besieged by a Christian force which Conrad of Montferrat, Lord of Tyre, had collected out of various bodies of Scandinavian, German, and Italian adventurers, who had pushed forward in advance of the great masses of the Crusaders. Conrad's besieging army was, in turn, closely pressed, and almost blockaded in his own lines by a Mahometan host, which Saladin collected for the relief of Acre, and which the great Sultan hastened to reinforce largely on the tidings of the expected arrival of the English and French Crusading kings.

March and death of Frederick Barbarossa.

Siege of St. Jean d'Acre; and blockade of the besiegers.

Philip Augustus was the first of the two to reach Acre. Richard had lingered on his voyage in consequence of disputes and hostilities in which his impetuous temper involved him in Sicily, and in Cyprus, and which led to the English conquest of the last-mentioned island. While in Cyprus, Richard married Berengaria, the daughter of Sancho, King of Navarre. Accompanied by his bride, he resumed his voyage to

Richard conquers Cyprus; and marries Berengaria.

CHAP. X.

1191.

He arrives at Acre: 1191.

Palestine, and the English fleet cast anchor in the bay of Acre early in July, 1191. The siege and counter-siege had now lasted for nearly two years. The town was strong, the garrison was brave and numerous, and received considerable reliefs in men and stores, whenever Saladin's ships from Egypt and Jaffa could win their way by surprise or force through the blockade which was attempted by the Crusaders' galleys. Circling round the walls in the plain below the town, Richard beheld the varied troops of the Christian nations: and again, spread in ampler circle on the neighbouring hills, he could mark the brilliant army of Saladin, who was ever on the watch to attack any weakened part of the besiegers' lines, or to envelop and cut off any detachment that ventured far from the European camp. The whole crusading army,

His welcome by the Crusaders.

Germans, Danes, Flemings, Italians, and French, welcomed Richard's landing with the loudest rejoicings: so much was expected from the celebrated Lion King and the splendid force which had sailed under his command.

Richard's illness, prowess, and skill.

The attack on the town was now carried on with redoubled ardour, and every attempt made by the Mahometan leaders to relieve it was victoriously and promptly repulsed. An intermittent fever disabled Richard for a considerable time from leading his troops in person; but he had himself carried in his litter towards that part of the fortifications which was assigned to the English attack, and with his own hands pointed and discharged an engine for casting darts, with which he struck down many of the most conspicuous defenders. In particular he delighted the assailing army by thus slaying a Turk who had previously killed a Christian knight, and was stalking triumphantly along the walls arrayed in his victim's armour. Richard en-

couraged his men by his praises, and by lavish rewards to the most desperate exertions in battering and undermining the walls; and he showed great engineering skill in the construction and employment of moveable buildings to shelter his working parties from the missiles of the besieged. At last Saladin felt that the fall of Acre could no longer be averted. Negotiations were opened, and it was agreed that the city should be surrendered, that Saladin should restore the Holy Cross and 1600 Christians, who were captives in his hands. He was also to pay within a stipulated period a sum of 200,000 pieces of gold. In return for this the lives of the defenders of Acre were to be spared; but they were to be detained as hostages for Saladin's fulfilment of the terms imposed on him by the treaty.

Capitulation of Acre: July 12th, 1191.

The Christians now entered Acre, and the two kings planted each his standard on the walls. Leopold, Duke of Austria, placed his banner by their side. Richard haughtily demanded of him how he, a mere duke, dared to rank himself with kings, and with his own hands tore down the Austrian flag. Leopold left the town in bitter wrath, and subsequent events gave him an opportunity of taking a mean and malignant revenge upon the English king.

Quarrel with duke Leopold of Austria.

A more important desertion from the Christian army soon followed. Philip Augustus was jealous of Richard's superior prowess; and he was offended to find that his, the King of France's, reputation among the Crusaders was overshadowed by that of Richard, who, as Duke of Normandy and Count of Aquitane, was Philip's vassal and feudatory. Philip pretended that ill-health compelled him to return to Europe, but even his own followers saw the truth, and endeavoured, though in vain, to induce their sovereign not to quit the post of danger and honour. Philip set sail for France, having

Departure of Philip Augustus: July 31st.

CHAP. X. 1191.

first bound himself by oath to make no attempts against Richard's dominions while Richard remained in Palestine. A division of ten thousand French was left behind under the command of the Duke of Burgundy, to co-operate with the other Crusaders in the further prosecution of the war.

The hostages of Acre are put to death.

Saladin delayed the performance of the terms of the treaty of Acre; and at a council of the Christian leaders it was resolved that the Moslem hostages should be put to death. Notice of this decision was sent to Saladin, and, as he still failed in performance of his compacts, the stern resolution was carried into effect. Two thousand seven hundred men, the remnant of the defenders of Acre, were divided into two bodies; one of which was marched out to a hill in sight of Saladin's camp, and there put to the sword by Richard's soldiers; the other half was killed on the walls of Acre by the troops under the Duke of Burgundy. This massacre has been justly stigmatised by modern writers; but it is unfair to impute the sole blame of it to the English king. "It was done," says Vinsauf, one of the Crusaders, "with the consent of all." Unquestionably Richard was as prompt and unhesitating as any of his comrades in the performance of what was deemed a meritorious action by all of them, and was long eulogised as such by chroniclers and poets. But Richard's participation in this slaughter proves no special depravity in him; it only shows that he was not in this respect in advance of his own age and of many later ages.

Saladin's reprisals. Richard's advance from Acre.

Saladin retaliated by decapitating all the Christian prisoners in his power. Richard, on his complete restoration to health, began his march from Acre against Jaffa and Jerusalem. He mustered about 30,000 men, including the Templars and the Knights of St. John.

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Saladin, who had collected reinforcements from nearly every part of his ample dominions, followed and hovered round the invaders with an army greatly superior in numbers. The consummate generalship displayed by Richard in his perilous and victorious advance to Jaffa may be best described in the words of the Oriental historian Bohadin, who accompanied Saladin in this campaign. He tells how, as soon as they found that the Christian army was in motion, the Sultan poured his choicest troops round them, and gave the signal for the attack; how the archers were drawn out, and a heavy shower of arrows descended on both sides. "The enemy," says the Saracen writer, "advanced, but, hedged round with his infantry like a wall. These were covered with thick-strung pieces of cloth, fastened together with rings, so as to resemble dense coats of mail. Hence, though they were overwhelmed with our arrows, yet their progress was not impeded. I saw with my own eyes several, who had not one or two, but ten darts sticking in their backs, and yet marched on with a calm and cheerful step, without any trepidation. On their parts, they shot a heavier kind of arrow, which wounded both our men and horses. They had besides a division of infantry in reserve, to relieve and aid those who should be weary; and which, marching close to the sea-shore, could not be molested. When the fighters were exhausted by fatigue or wounds, this body advanced, and combated till the others were refreshed. Their cavalry in the meantime kept in the middle, and never moved beyond the infantry. In vain we tempted them to spread into the array of battle; they steadily restrained themselves, and kept their close order, slowly cutting their way, and protecting their baggage with wonderful perseverance."

His consummate generalship.

CHAP. X. 1191.

Thus Richard kept in hand his naturally impetuous troops, and (harder still) restrained his own fiery temper, day after day, till the Asiatics began to impute the sluggishness of the Europeans to cowardice, and pressed closer and closer on the Christian ranks in larger and more disorderly masses. At last, on the 7th of September, Richard saw the opportunity for striking, and for striking with effect. The Turks had given up the use of missiles, and had come near enough to ply their maces and scymetars. At the appointed signal of six trumpet-blasts, the European infantry opened passages for their mounted comrades from the centre, and the Christian chivalry rushed with irresistible charge upon the Asiatic host. Richard was at their head. Wielding a heavy battle-axe, his favourite weapon in close action, he smote down every opponent who dared to withstand him, and spread terror and flight wherever he rode. The Sultan did in vain all that a general and a soldier could do to succour and to rally his disheartened troops. He was at last borne away in the rout; and the great Saladin, the world-renowned champion of Islam, for the first time fled from the battle field.

Saladin put to flight.

Fall of Jaffa.

Jaffa was taken by the Crusaders without opposition; and Saladin, in despair of preserving the other towns on the coast, dismantled their fortifications, and concentrated his forces in the interior for the protection of Jerusalem.

Richard secured his command of the sea-coast by occupying and repairing many of the strongholds which the Turks had abandoned, among them the old Philistine town of Ascalon; and, having thus ensured his base of operations, he marched upon Jerusalem near the end of the year 1191. But the force under his command was now greatly reduced by disease and

Richard marches towards Jerusalem.

CHAP. X. 1191.

want, as well as by loss in action; and it was still further weakened by the jealousies between the Templars and the Hospitallers. The numerous light troops of the enemy were active in impeding and harassing the marching columns. The weather was most unfavourable; and repeated hailstorms and tempestuous winds retarded the movements of the Christian troops through a naturally difficult country. At last the inefficiency of the army was so apparent, that Richard reluctantly determined to retreat. During the period of cessation from active warfare against the enemy in the field, which followed, a fatal subject of contention was raised among the Crusaders. Though Jerusalem was not reconquered, the title of king of it was intrigued for and fought for by the rival claimants, Conrad of Montferrat and Guy of Lusignan, and their respective partisans. At last it was agreed that Conrad should be the king; and Richard liberally compensated Guy (whose cause he had at first favoured) by giving over to him his own conquest of the Isle of Cyprus. Soon after this, Conrad was assassinated by two emissaries of a fanatic Oriental chief, called the Old Man of the Mountain. Richard's French and Austrian enemies accused him of having instigated this murder; a charge that appears to be unsupported by any sound evidence, and the improbability of which is self-evident, when the disposition of Richard is considered, fiery and fearless, apt to break into unwarrantable violence on slight provocation, but wholly alien from all calculating cowardly malice.

Nature and little men too strong for the Lion.

The crusaders, unable to take Jerusalem, quarrel for the title of its king.

Conrad of Montferrat and Guy of Lusignan.

While these disputes and calumnies harassed Richard in the Crusaders' camp, the tidings which he received from England were such as to cause him the deepest anxiety. His unprincipled brother, Earl John, had

Bad news from England.

CHAP. X.

1192.

succeeded in overturning the authority of those whom Richard had left to govern the country, and was evidently plotting to seize on the throne for himself. He was also intriguing with Philip Augustus (who had now returned to his kingdom of France) to join him in a scheme by which John was to be recognised as Duke of Normandy, and the French king was to appropriate some districts of that duchy and other parts of the continental dominions of the House of Plantagenet. Nevertheless, Richard determined to make one campaign more for the recovery of Jerusalem; and in the May of 1192 he again moved from the coast towards the interior of Palestine. But the force which he now had was scantier even than that which had followed him in the preceding autumn. His stores of English gold were exhausted; and he found that with them had fallen away his power of keeping the Christian troops, who were not his own subjects, under his effective military control. At the head of 5,000 men he attacked and defeated a Saracenic force of 11,000, who were escorting a caravan of unusual wealth. The booty thus acquired revived Richard's popularity with the foreign soldiery; and he succeeded in leading the Christian troops as far as Bethany, within a few miles of Jerusalem. But the fortifications of that city (a place always strong by nature) had now been strengthened to the utmost by Saladin, who garrisoned them with a powerful army. The Christian force was destitute of supplies; and Richard's military skill taught him that to undertake the siege of Jerusalem under such circumstances would expose his army to certain overthrow and probable destruction. But he felt bitterly the humiliation of being thus twice baffled in the great object of his enterprise. It is said that one of his comrades led him to a hill, and told

Intrigues of Earl John and Philip Augustus.

One effort more in Palestine.

Richard reaches Bethany: but will not look at the city he has failed to rescue.

him that he could thence obtain a full view of Jerusalem. "But the king covered his face with his mantle, and said, 'Blessed Lord God, I pray thee not to let me see thy Holy City, since I cannot deliver it from the hands of thy enemies.'"

His retreat to Acre: Jaffa taken by Saladin, retaken by Richard.

As the Christians retreated towards Acre, Saladin moved rapidly down from the mountains of Judæa and suddenly attacked Jaffa. He carried the town by assault, but the Christian garrison in the citadel held out against him. On hearing of this, Richard instantly embarked part of the force that was with him at Acre, in seven vessels, and sailed down to the rescue of Jaffa, ordering the rest of his troops to follow along the coast-road. On reaching the roadstead of Jaffa, Richard found the beach covered with a host of the enemy. The Lion-Hearted King hesitated not for a moment, but sprang down into the water exclaiming, "Cursed for ever be he that followeth me not." His knights were far too brave to desert him; and, forcing their way up the beach and through all impediments, this handful of Christian warriors entered Jaffa, and recovered the town. On the following morning Saladin and his brother, Prince Saphadin, appeared at the head of the full Mahometan force. Richard had now been joined by the troops that marched from Acre by land; but still his inferiority in numbers to those of the enemy seemed to make his capture or destruction inevitable.

The last wondrous victory of the Lion.

But the result of the battle which ensued was a complete victory for the Crusaders; a victory which both Christian and Mahometan writers ascribe to the personal valour of Richard himself; and they record feats of his prowess on this, the last and most brilliant of his fields in Palestine, which recall to the reader's memory the Homeric glories of Achilles. Such was the admiration which even his enemies felt for the

CHAP. X. 1192.

superb valour of the King of England, that at one part of the battle, when Prince Saphadin saw Richard's horse killed under him, the generous Mahometan sent him two of his own best chargers, on one of which Richard instantly mounted and continued the battle. Indeed, throughout this memorable war the gallant leaders on both sides treated each other with the esteem and courtesy which the truly brave should ever show to "foemen worthy of their steel." Complimentary messages, and presents of Norway hawks, of the rich fruits of Syria, and of snow from the mountain tops, were exchanged between the two camps. One tradition goes the length of ascribing to Richard a proposal that he and Saladin should establish a joint government in Jerusalem, and that their confederacy should be assured by the marriage of Prince Saphadin with King Richard's sister, the Queen-Dowager of Sicily.

Mahometan and Christian courtesy.

Splendid as had been Richard's triumph at Jaffa, it was useless to think of further operations for conquest with such enfeebled and scanty forces as could now be collected by the Crusaders. And successive messengers from England warned Richard imperatively that, unless he speedily returned to his kingdom, he might no longer have a kingdom to return to. After some negotiations between him and Saladin, a treaty, or truce for three years was agreed to, by which Jaffa, Tyre, and other towns along the coast were to be left in the peaceful possession of the Christians; and pilgrims were to have full liberty of visiting Jerusalem. Richard left Palestine in October, 1192; and as he gazed from his vessel's deck on its receding shore, he is said to have stretched his arms towards it, and to have exclaimed, "Most Holy Land, I commend thee to God's keeping. May He give me

Valour yields to policy.

Three years' truce with Saladin.

Richard's farewell to the Holy Land.

life and health to return and rescue thee from the Infidels."

The greater part of Richard's fleet reached their destination in safety; but the king's own ship was tempest-tost along the Adriatic and cast upon the coast of Istria. Disguised as a common pilgrim, Richard endeavoured to make his way across Germany, but he was discovered near Vienna, and was instantly seized and imprisoned by the order of the Duke of Austria, who had been his enemy in the Crusaders' camp. Duke Leopold sold King Richard for 60,000 pounds of silver to the Emperor Henry VI., who forthwith immured him in a castle in the Tyrol, being determined to extort a ransom proportioned to Richard's renown and to the reputed wealth of his English kingdom.

The Lion in the toils.

Some time elapsed before the fate of Richard became generally known in Christendom; but when known it excited everywhere the deepest indignation against the Austrian duke and the German emperor for their unwarrantable outrage on the person of a Christian king and a brave Crusader on his return from glorious warfare in the Holy Land. The emperor felt the disgracefulness of his conduct, and endeavoured to justify himself by imputing various crimes to Richard, the chief of which was the alleged murder of Conrad. The English king was moved by his gaolers from fortress to fortress, always under strong military guard and watched with the greatest rigour. During the whole of his imprisonment, which lasted for upwards of a year, Richard is said to have maintained his usual bold and often jovial spirit. At last the emperor produced his royal captive before the Diet of the empire at Haguenau. The charges against him were read out; and Richard, after protesting against any jurisdiction of the emperor over him, proceeded to justify himself

Effect of the news through Europe.

The emperor's charges against Richard refuted;

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1194.

in a speech of manly eloquence, which convinced the German princes that the accusations were mere calumnies, and which even affected the emperor himself. Still, without the slightest colour of right, Henry exacted the payment of an enormous sum before he would set Richard at liberty. 100,000 marks of pure silver were to be paid down, and there was to be an after payment of 50,000 more. The vast sum of 70,000 marks was actually raised, though with great difficulty, in England, where Richard's valour and glory had won for him the enthusiastic loyalty of his subjects; and on the 13th of March, 1194, Richard once more stood a free man on English ground.

but his ransom exacted.

His return; March 13, 1194.

The loyalty of Richard's subjects, both here and in Normandy, had preserved for him his kingdom and his duchy from the traitorous attempts of Prince John and the scarcely less base attacks of King Philip Augustus. As soon as Richard's captivity was known, John and Philip had thrown off all disguise. John did homage to Philip for part of Normandy, and was recognised by him as its duke; it being agreed between them that Philip should seize the other portions. John then, at the head of a force of mercenaries, endeavoured to possess himself of England, while the French king led his troops into Normandy. But the English barons and prelates raised a force, which defeated John's foreign soldiery, and chased him from the kingdom; and in Normandy the old Earl of Leicester, who had been Richard's comrade in Palestine, and had returned safely, took the command of the garrison of Rouen, and defended that important city successfully against the French king. Richard, on his return, was naturally eager to punish John and Philip for their perfidious hostility. He again drained the resources of England for the equipment of his armies; and again practised

Treason of Earl John;

defeated by the barons.

New exactions for a French war.

the unscrupulous system of exaction, which had disgraced the first year of his reign. Yet, Richard could respect the courage of the few, who dared to refuse compliance with his illegal and rapacious demands. One mode of gaining money in those times was for the guardians of wealthy orphan heiresses to receive as large sums as they could obtain from the suitors, to whom they gave their wards in marriage. There was a rich heiress in Suffolk, ward to the Abbot of St. Edmunds. Richard sent to the Abbot demanding to have the disposal of the ward's hand and wealth. The Abbot, as an honest man, refused. Richard wrote again, adding violent threats to the Abbot if he persisted in his disobedience. Abbot Samson* answered, "The king can send if he will and seize the ward. He has force and power to do what he pleases; and he may destroy the whole abbey. But I, for my part, never can be bent to agree to this, which he seeks; nor shall it ever be done by me. For there is danger lest such things be made a precedent of to the prejudice of my successors. Let the Most High look on it. Whatever shall befall I will patiently endure." The king's wrath was great when he received this answer; but he knew in his conscience that Abbot Samson was in the right. He took no steps against him, nor sought again to seize on the poor wealthy ward. There is proof that he afterwards treated the Abbot as a personal friend, and he sent him a present of a consecrated ring, which had come from Pope Innocent III.

Courageous resistance of Abbot Samson.

In the May of 1194 Richard landed with his newly-raised army in Normandy. John met him, and threw himself at his brother's feet, imploring forgiveness. At the intercession of their mother, Queen Eleanor,

Richard lands in Normandy: forgives John.

* This is narrated in the curious chronicle of Joscelin de Brakelond, De rebus gestis Samsonis Abbatis, published by the Camden Society.

CHAP. X. 1194—9.

Richard received him once more into favour, using the memorable words, "I forgive him; and I hope that I shall as easily forget his injuries as he will forget my pardon."

War with France.

The war between Richard and Philip lasted, with occasional intervals of truce, for the remaining five years of Richard's life. Richard gained several victories, and his personal valour was to the last pre-eminent; but Philip's resources were too ample, and he was too good a general and politician to suffer any permanently disastrous reverses. In one of the battles in these wars Richard encountered and took prisoner the Bishop of Beauvais, a near relative of the King of France, and who had been in Germany during the period of Richard's imprisonment. The bishop had exerted all his influence with the Emperor Henry VI. to prolong Richard's captivity, and to increase its hardships. Richard now threw him into a dungeon in Rouen. The pope interceded, and wrote to the English king, saying, "I implore you to release the Bishop of Beauvais, my spiritual son." Richard, with ready wit and well-deserved sarcasm, sent back to the pope, not the bishop, but the bishop's coat of mail, stained and battered with the recent fight; and Richard attached to it a scroll on which he wrote this verse from Genesis: "This have we found: know now whether it be thy son's coat, or no."

Story of the Bishop of Beauvais.

Siege of Chaluz.

The fall of the Lion-Hearted King was destined to the petty fortress of Chaluz in Poitou, in the course of a somewhat ignoble warfare between Richard and one of his vassals respecting a treasure which had been found in the feudatory's estate. While besieging this castle Richard was, on the 26th of March, 1199, struck in the left shoulder by an arrow aimed at him from the rampart by a youth named Bertrand de Gaston. The

Richard wounded.

wound was not in itself dangerous; but through the unskilfulness of the king's surgeon the arrow-head was broken short off in the flesh, and the injury became fatal. Before Richard died, his troops had stormed the castle, and Bertrand de Gaston was led captive into the tent, where Richard lay on his couch of death. "Wretch," exclaimed the king, "why did you seek my life?" The prisoner firmly replied, "Thou didst slay with thine own hand my father and my two brothers. I am willing to suffer the greatest torments thou canst order, so that thou thyself diest, and earth be freed of such an oppressor." "Youth," replied Richard, "I forgive thee. Loose his chains. Give him a hundred pieces of silver, and let him depart to his home." The king's generous intentions were frustrated by the cruelty of his followers, who detained the prisoner till after Richard's death, and then killed him with barbarous tortures.

His last act of generosity in vain.

Richard expired at the age of forty-two, on the 6th of April, 1199. Though his subjects had suffered grievously throughout his reign from the imposts and exactions, by which he wrung from them the means of carrying on his wars, his memory was long idolised in England and Normandy; and men boasted that their country had been ruled over by the King of the Lion-Heart, the bravest of the brave in an age when knightly valour was regarded as the highest of all human excellencies. Nor did Richard's fame speedily perish in the Holy Land, which had been the scene of most of his brilliant achievements, or among the enemies against whom his prowess had been most signally displayed. It is not from an English but a French chronicler we learn that, sixty years after Cœur-de-Lion had left Palestine, Syrian mothers were wont to chide their children into stillness by the threat of

His death and memory.

The ghost of "Melek Ric."

CHAP. X.

1199.

calling King Richard to them; and that a Saracenic cavalier, if his horse shied, would rebuke the animal by saying, "Dost think King Richard is there?"

Effects of the Crusades.

The immediate effects of the Crusading spirit upon England, as upon other countries of Western Europe, were a sacrifice of much life and treasure in an ultimately unsuccessful enterprise, and an increased rigour of taxation while the rulers of the land were collecting the funds for the equipment of themselves and followers. But England also profited, like the rest of Europe, in many respects from the Crusades, especially as regarded the revival of political liberty among the mass of the nation. Not only the king, but many of his nobles, were glad to sell rights of self-government and rights of municipal property to the towns of which they were feudal lords, and which they had hitherto ruled arbitrarily by their mayors, the Norman title for the chief officers set over cities. The growth and influence of the mercantile classes were further favoured by the numerous sales of land by the Crusading chiefs, and still more by the extended commercial activity which the Crusades made general through the greater part of Europe, and through many portions of Asia also. Though the primary purpose of these expeditions was to bring the inhabitants of the East and the West into armed collision, the increased intercourse between the Oriental and the European nations, and the better knowledge of each other which ensued, did much for the enlightenment of mind and the diffusion of science. There was much folly, and there was much superstition, in the schemes of the intended liberators of the Holy Land: there was much vice and there was much crime in many of their actions. But these enterprises attested and augmented for some centuries the influence of a fervent religious

Revival of political liberty.

Growth of the mercantile class.

Science imported from the East.

feeling, which could control for a time, though it could not eradicate, national jealousies and party antipathies; and which taught the Crossed warriors of every part of Christendom to regard each other as comrades in one holy cause, far higher than the common causes of the wars, by which Europe was rent and harassed through the ambition, the avarice, and the other sordid and evil passions of those who were her sovereigns and her nobles.

Controlling power of religion: brotherhood in the Christian cause.

CHAPTER XI.

Reign of John—His weakness and wickedness—Loss of Normandy, and other continental dominions of the Plantagenets—John's quarrel with the Pope—His ignominious submission to Rome—His domestic tyranny—Armed rising of the Barons and others against him—Archbishop Langton—John compelled to grant the Great Charter—State of England at this epoch—Feudalism, how developed in England—The towns—The lower classes—Villeinage—Great power of the Anglo-Norman Kings before John—Checks upon it—The Great Council—Magna Carta provides for its being summoned—Royal power of taxation limited—Clauses of the Charter which ensure the rights of all freemen—Miscellaneous clauses—The Carta de Foresta.

CHAP. XI.

1199. Accession of John. Claims of Arthur, Duke of Brittany.

PRINCE JOHN (or, as he is more correctly styled, Earl John*) was in Normandy, when he heard the unexpected tidings of Richard's death. John was now the sole surviving son of King Henry II.; but, according to the laws of strict hereditary descent, his nephew Arthur had a preferable right to the crown, being the son of John's elder brother Geoffrey, who had died in 1186. But Arthur was a boy of fourteen when Richard's death opened the succession, and no instance of a royal minority and regency had occurred in England since the Conquest. Indeed, the claims of three at least of the five kings, who had followed the Conqueror, had been so irregular, that it could hardly be considered a settled point that the title to the throne ought to be determined by the same legal rules of lineage and primogeniture as the title to a private

* His father had made him Earl of Montague, in Normandy, while very young.

estate. John sent over active and able partisans into England, while he endeavoured to procure the French King's assent to his occupation of the continental dominions of the Plantagenets. Archbishop Hubert convened a grand council at Northampton, and induced many of the barons and prelates to swear fealty to the Duke of Normandy, as John was called before his coronation at Westminster on the 27th of May, 1199.* On this occasion John asserted that he had been appointed King of England by Richard's last will. No regard, however, was paid to this document, whether true or false, and the reason given by the Archbishop, and by the assembly, for accepting John as king, was the remarkable statement, that the Duke of Normandy had been elected king at Northampton, and that such an election by the nation was necessary to make a King of England. The Archbishop is said also to have laid it down as a rule that preference should be given to any member of the deceased king's family who was pre-eminent for merit. This may have been an attempt by the Anglo-Norman nobility to increase their own importance in the state, by reviving the old Saxon principle, according to which the Witan had the power, when a king died, of choosing his successor from among the members of the royal house.†

John's coronation, May 27.

His *elective title* announced by the Archbishop.

On the continent the claims of young Arthur were much more favourably regarded, especially in Brittany, where his mother, Constance, was popular as a Breton Princess, and where the traditions and prophecies

* This was Ascension Day, and John's regnal years are dated by that festival, though moveable. The regnal years of all our early kings date from their coronation. This practice was broken through in consequence of Edward I.'s delay in returning to England after his father's death; and the reigns were dated from the proclamation, usually the day after the predecessor's death.

† See page 175, *supra*.

CHAP. XI.

1202—4.

about King Arthur and his glories, and the future revival of those glories under a native prince, were as current as in Wales. The French King, Philip Augustus, had aided John in his treacherous schemes of self-advancement while Henry II. and Richard were alive; but, now that John was King of England, Philip determined to strengthen his own power as King of France by pretending to espouse the cause of Arthur, and wresting away for himself as much as he could of the vast territories, which the Plantagenets had hitherto held in Philip's nominal kingdom. During the vicissitudes of the war which followed, Arthur was taken prisoner by John at Mirabeau, near Poictiers (1202). The unhappy boy was removed to the castle of Falaise, and thence to the castle of Rouen. It is known that he was kept in close captivity there during the early part of 1203, and nothing is known with certainty of him afterwards. There can be no reasonable doubt that he died about that period. John was universally believed to have murdered him; and the most current story was that he took young Arthur with him in a boat on the river Seine at midnight, stabbed him with his own hand, and threw the body into the river. But the proof of John's guilt of this dreadful crime rests more on his general character for wickedness and cruelty, than on any certain testimony as to specific facts.

The cause of Arthur espoused by Philip Augustus.

War with France.

Capture and alleged murder of Arthur.

Loss of Normandy, &c.

The main results of the war were wholly against John. Before the end of the year 1204 Anjou, Maine, nearly all Touraine, Brittany, and even Normandy itself, which the House of Rolf had held for four centuries, were rent from the English crown. Poitou, Guienne, and a small portion of Touraine alone out of the once ample continental possessions of the Plantagenets, were retained by John.

CHAP. XI.

1204.

The English of that age may have felt the shame of these reverses, but this loss of Normandy was most beneficial to England. Much, indeed, of the alienation and ill-will, that long existed between the victorious Normans and the subjugated Saxons in this island, had been effaced by the lapse of time, and by the effect of intermarriages between the two races. But so long as large numbers of our nobility had territories and homes in Normandy, they never could become thoroughly English. When, however, Normandy and its connected provinces became foreign and hostile regions to subjects of the King of England, this island became our barons' only country, and all its inhabitants became their fellow-countrymen. This community of patriotic feeling among all Englishmen acquired fresh strength and intensity during the reign of John from the combination which all the freemen of the realm were obliged to form against the indiscriminating tyranny of the king.

These losses a benefit to England.

New bond of patriotism.

The greater part of the events of John's reign may be classified under three strifes: John's strife with the King of France, his strife with the Pope, and his strife with the English nation.

John's three strifes.

We have seen the result of the first of these, and we must pay some attention to the second, especially as connected with the third, which deserves our most earnest consideration, on account of the paramount and permanent importance of its results.

His contest with the Pope.

When John took possession of the throne of England, Innocent III. was Pope of Rome, a pontiff fully equal to the greatest of his predecessors in ambition and ability, and more uniformly successful than any of them had been in the great struggle between temporal and sacerdotal authority. A disputed election to the Archbishopric of Canterbury in 1205 brought John

Innocent III.

CHAP. XI.

1205—8.

Collision about the see of Canterbury.

Stephen Langton.

into a collision with this pontiff, and a contest of seven years ensued, during which the King displayed to the utmost all the folly and meanness of his character. Innocent declared the disputed election to the See of Canterbury to be altogether void, and consecrated as Primate of England Stephen Langton, an English ecclesiastic of deserved renown for learning, ability, and piety. John was not unjustly incensed at this bold stretch of Papal power, and swore that Langton should never set foot in the realm. Innocent maintained his claims with unbending haughtiness. His established maxims in dealing with the kings who were his contemporaries (and there were few of them over whom he did not practically assert those maxims) were, that the princes of the world were bound to consider the Pope as their Censor and their Arbiter; and that the temporal authority of kings and emperors was inferior and subordinate to the authority of the church, even as the moon is inferior to the sun. After an interchange of angry letters and vain expostulations between Rome and England, Innocent put in force the spiritual arms, which, in those days, and in his hands, were terribly efficient. In the early part of 1208 he passed sentence of Interdict upon all England for the contumacy of the King. The churches through all the land were closed, no bell was heard, and the solemn services of public worship ceased. The administration of the Holy Sacraments was forbidden, except as to infants, and to persons at the point of death. Marriages were performed at the church-doors; and the dead were buried in unconsecrated ground without ecclesiastical rites or prayers.

The Pope as supreme Censor and Arbiter.

The Interdict.

King John retaliated by seizing on a large amount of church property for his own use, and by driving many of its former possessors from the kingdom. He

thereby made the English clergy the determined supporters of the Pope against the King; but the wealth which he accumulated by these means, and by his rapacious extortions from all classes of his subjects, enabled him to keep on foot a considerable mercenary army. At the head of this force he obtained some advantages of the Scottish King William in 1209; and in 1210 he passed over to Ireland, and strengthened the power of the English crown over both the Irish chieftains and the Anglo-Irish barons.

John's measures against the clergy.

His successes in Scotland and Ireland.

Meanwhile Pope Innocent issued against John personally his Bull of Excommunication, and absolved all the King's subjects from allegiance to him, and called on all true sons of the church to dethrone the church's enemy. It has been said that "Alphabets wound not when they find no hands," but there were strong hands ready and willing to execute the Papal sentence of deposition against the English King. Philip Augustus of France, who had driven John from Normandy, was equally eager to drive him from England, and to seize upon our country as a French province. A large army was collected by the French King at the mouth of the Seine for the invasion of this island, such as John's hired troops were manifestly unable to compete with. In this extremity John called the national forces of his own kingdom together, and an English army of 60,000 men assembled on the Kentish coast, "strong enough," says the old historian, "to defy all the powers of Europe," if led by a sovereign whom they trusted and loved. But such had been John's tyranny to all classes of his subjects, that there was scarcely (says the same writer), in that vast host, a man on whose loyalty he could depend. In abject terror John now implored the Papal Legate, Pandulph, to pity and save him; and, in an interview with that ecclesiastic at Dover in

Bull of Excommunication.

Threatened French Invasion.

CHAP. XI.

1213.

May, 1213, he submitted to all the demands of the Pope. Langton was to be admitted to the Archbishopric of Canterbury, and the banished English clergy were to be restored to their country and to their possessions. John proceeded to surrender his kingdom of England and Ireland to Pandulph, as Innocent's representative, binding himself by solemn deed thenceforth to hold the realms as vassal of the Pope, and he took the oath of homage to the Pope accordingly. In consideration of these degrading submissions Pandulph promised, in the Pope's name, that John should be released from excommunication, and that the Papal interdict should be withdrawn from England. Philip Augustus was forthwith admonished by Pandulph to abandon all hostilities against John, now the reconciled son and true servant of the church. The French King was little disposed to give up his ambitious projects; but the destruction of his fleet in the harbour of Damme by an English squadron under the command of Lord Salisbury was more effective than the Papal request, and the French army was led into Flanders instead of assailing England.

John submits to Pandulph: and receives back his kingdom as the Pope's vassal.

Naval victory of Damme.

Primacy and character of Langton.

Archbishop Langton now returned to this country, and showed that, though he owed his high dignity to the Pope's nomination, he was a thorough-hearted Englishman, ready to defend his country's liberties alike against the lawless oppressions of her own king, and against the usurping influence of the Italian Pontiff. Langton and John met at Winchester, and the King implored the Archbishop, with tears and on bended knees, to withdraw from him the sentence of excommunication. Before Langton consented, he exacted from the King an oath by which John promised to restore the good laws of his ancestors,

especially those of King Edward the Confessor,* and to abolish all evil ones, and that his subjects should thenceforth receive justice according to the upright decrees of the courts of the realm.

John's oath to restore the good old laws.

But John, however much he might grovel beneath superstitious terrors, was utterly destitute of all true religious principles. He continued in the same course of brutal, insolent tyranny, by which he had already alienated the hearts of his nobles, his clergy, and of his commonalty, and by which he was gradually exasperating all classes into armed uprising against the crowned curse of the commonwealth. There is no imaginable kind of cruelty or wickedness, which a despot could practise towards his subjects, in which this disgrace of the House of Plantagenet did not habitually indulge; while at the same time his cowardice and folly provoked universal contempt. Men were stripped of their property and banished without even the form of trial. Many were put to death by the King's arbitrary order; and frequently John gratified his malignity by directing the torture under which his victims should perish. Starving to death was a punishment which he especially loved to order. No man's life and no woman's honour was safe from his brutal violence. From the fragments of the Plantagenet dominions on the Continent, which were left to him after the conquests of Philip Augustus, he drew bands of mercenary soldiers, whom he encou-

His shameless tyranny;

cowardice and folly;

rapines and banishments;

* "It became the favourite cry to demand the laws of Edward the Confessor; and the Normans themselves, as they grew dissatisfied with the royal administration, fell into these English sentiments. But what these laws were, or more properly, perhaps, these customs, subsisting in the Confessor's age, was not very distinctly understood. So far, however, was clear, that the rigorous feudal servitude, the mighty burden upon the poorer freemen, had never prevailed before the Conquest. In claiming the laws of Edward the Confessor, our ancestors meant but the redress of grievances which tradition told them had not always existed."—*Hallam's Middle Ages*, vol. ii. p. 321.

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raged to commit acts of rapacity and licentiousness upon the English, among whom they were quartered, similar to the conduct which was practised by John himself. In 1213 and 1214 he engaged in military operations on the Continent, from which he only acquired an increase of dishonour. He returned to England furious against the English barons, who had refused to follow him; and he led his troops of foreign hirelings through the realm, pillaging, burning, and slaying as if in a hostile territory.

cruelty and lust.

Mercenaries worthy of their master.

Military disgraces on the Continent revenged on England.

Armed resistance to the tyrant now became a necessity for the sake of self-preservation as well as a patriotic duty. Our barons stood forward as the military chiefs of the country against the King, but Archbishop Langton was the principal inspirer and leader of the great national movement. At a great meeting of prelates and nobles held at St. Paul's in London in the autumn of 1213, Langton had produced to them a copy of an almost forgotten charter of Henry I., and had told them that by forcing the king to re-establish that charter they might regain their just rights. This charter had been granted by Henry I. when he was desirous of conciliating the Saxon as well as the Norman inhabitants of England in his struggle with his brother Robert for the crown. It contained provisions against some of the worst exactions under which the military tenants of the crown had frequently suffered since the Conquest, and it gave a general pledge to observe the good laws of King Edward the Confessor.

The duty of resistance.

Langton produces the Charter of Henry I.

All the assembled nobles and prelates, at Langton's suggestion, bound themselves by an oath to obtain the re-issue of that charter, and to strive for their liberties, if need were, even to the death. On St. Edward's day, 1214, they met again in the church at St. Edmund's Bury. The charter of Henry I. was again laid before

Oath of the nobles and prelates, renewed at St. Edmund's Bury.

them. Archbishop Langton stood at the high altar, to which each of the barons came forward, and they swore that if the King would not concede their just claims they would make war upon him, and never lay down their arms till they had obtained from him a charter confirming the liberties of the nation.

Their demands laid before John :

On the following feast of the Epiphany they laid their demands before the King in the Temple in London. Seeing their armed equipment, the King was troubled, and temporised with them, asking and obtaining space for consideration until the coming Easter. During the respite which he thus gained, John endeavoured in vain to detach the clergy from the barons by granting, on the 15th January, 1215, a charter in favour of the church of England as to episcopal elections. He also implored the Pope to interpose in his favour, and to forbid the barons and the prelates to carry on their machinations against their king, who was the faithful vassal of the see of Rome. All these manœuvres were fruitless. The English clergy were true to their country's cause, and Archbishop Langton continued to inspirit and guide the barons in their preparations for extorting from the King's cowardice the rights, which it was evidently vain to hope for from his sense of justice. In vain did Pope Innocent send Pandulph again into England with orders to the Archbishop of Canterbury that he should support the King, and that he should excommunicate the barons, unless they submitted to their sovereign's will. Langton coldly replied that he knew the Pope's real mind better than Pandulph did; and that, instead of excommunicating the barons, he should excommunicate John's foreign mercenaries unless the King instantly dismissed them. Easter had passed by without any arrangement having been effected; and "the Army of God and the

he temporises : 1215.

Attempts to gain over the clergy.

The Pope cannot help his vassal.

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Holy Church," as the barons styled their force, entered the metropolis on the 25th of May, where the citizens eagerly welcomed them, and the Mayor of London took his station in the baronial army as one of its principal leaders. John was now panic-stricken, and sent to the barons, asking that a time and place might be appointed for a conference, and professing his readiness to comply with their desires. The barons named the 8th of June as the day, and Runnymede as the place.

The day of grace expires: London lost to John.

The sacred field of Runnymede.

No spot on earth ought to be more sacred in the eyes of an Englishman than the grassy plain which bears this name, and which extends for about 160 acres on the south bank of the river Thames, between Staines and Windsor.

The two camps.

Thither the barons and their army marched from London, in the beginning of June, 1215, and the eastern side of the mead was then white with the tents of a host which the old chronicler terms "a host beyond all price." On the opposite side appeared the scanty royal encampment; and even the few English bishops and nobles, who on this occasion accompanied John, were known by him and by all to appear on the side of the King only by way of semblance of respect to the crown, and to share in their hearts the feelings and wishes of the baronial leaders. The conferences lasted for some time, but articles of agreement were at last arranged, called "Articuli Magnæ Cartæ;" and from them the charter itself was prepared, to which the royal seal was solemnly affixed by the hand of John himself in the presence of the two English archbishops, of the Papal legate, and of the principal barons of the realm.*

Conferences: the GREAT CHARTER sealed.

* The popular expression that "Magna Charta was signed by John" is erroneous. There is no signature to any of the extant copies; nor is there any reason to believe that the Charter was ever signed at all. See "Thomson's Historical Essay on the Great Charter," p. 448 *et seq.* as to the usages of signatures, crosses, and seals in the Anglo-Saxon and Anglo-Norman times.

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We have now reached an epoch of infinite importance in our national history. That venerable title-deed of English freedom, which was gained at Runnymede six centuries and a half ago, still forms the first and most important part of the three leading statutes, which a great modern statesman has termed, "The Bible of the English Constitution." The practical interest that we ourselves take in the words of the Great Charter, which guarantee the security of person and property from arbitrary violence, makes a connecting tie between us and the brave men who compelled King John to give those guarantees against further tyranny in England. Let us remember also that, though our "iron barons"* were in the van of the popular movement, all classes of the freemen of the community co-operated in winning the Charter; and it was the fruit of a struggle, not by Normans against Saxons, or by Saxons against Celts or Danes, but of a mighty effort made by the whole English nation, then being essentially such as the English nation has since been and still is, with all its various elements united and assimilated into the multitudinous unity of the people of England.

The title-deed of English freedom.

The work of the English nation.

We must accordingly pause here to examine the changes between the polity of the English nation at the close of the reign of John and the Anglo-Saxon Commonwealth before the Norman Conquest, the chief characteristics of which we reviewed in a preceding chapter.†

Retrospect of the polity of England.

The greatest change, and the one most productive of other changes, was the introduction of the Feudal system. Many things analogous to parts of Feudalism may be traced in the Anglo-Saxon institutions before

Introduction of Feudalism.

* See Lord Chatham's sublime eulogy on them in his speech in the House of Lords on 9th January, 1770.

† See c. vi. *supra*.

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the Conquest; but Feudalism as a complete system did not exist here before its establishment by William.* It is absolutely necessary to acquire some general knowledge of the Feudal institutions and usages, in order to understand English History after that date; and also for the right discernment of the general history of Europe; over which (except in the countries inhabited by the Scandinavian and Sclavonic races) Feudalism was so generally prevalent for so many centuries.

Feudal tenure of land.

One main part of Feudalism was the custom of granting land to be held on the terms, that the person to whom it was granted should fight for the grantor when required. This has, indeed, been common among nearly all nations in almost all ages. But during the six or seven centuries which followed the irruption of the German warriors into the Western Roman Empire, the principle of granting land on condition of military service was blended with many other doctrines and usages, which were gradually elaborated and organised into the very complex and remarkable system, to which Historians and Jurists have given the name of "*Feudal*"—the land which was the subject of grant being generally termed "a *Feud*," and the person who received it on terms of doing service for it being generally styled the "*Feudatory*" of the grantor, to whom the services were due, and who was regarded as the "*Lord*" of the land, and also as the Lord of the "*Feudatory*" in respect of the granted land.

Under the Feudal system, as matured, the duties of the Feudatory (also called "Tenant," and "Vassal") to the lord comprised, besides military service, attend-

* See note at p. 217, *supra*, as to the introduction of Feudalism into England by William the Conqueror. I would refer the student to the seventh and eighth chapters of the "Rise and Progress of the English Constitution" for a fuller account than the limits of this work permit of feudalism generally, and of feudalism as specially developed in England.

ance in the lord's court of justice, if he had one; and there was nothing which the nobles strove harder to acquire and maintain, than the right of administering justice, each in his own district. The Feudatory was also bound to be faithful in council to his lord, and to show respect for his lord's honour and person; and he was liable to be called on by the lord for pecuniary contributions in emergencies, such as when the lord was to be ransomed from captivity, or the lord's eldest daughter was to be fitly dowered in marriage, or the lord's eldest son was to go through the costly ceremony of being made a knight. But there was generally no certain rule as to the precise occasions on which these contributions from vassal to lord (called "*aids*") were demandable, or as to what ought to be their amount. Hence came a frequent source of dissension when the tenants were strong and the lord weak; and hence also were furnished means and pretexts whereby powerful and rapacious lords might oppress and impoverish their feudatories.

Duties of the Vassal.

On the other hand, the lord was bound to protect his vassals from all wrong-doers; and the general need of protection by some powerful warrior, which the small landowners experienced during the disastrous period that followed the dissolution of Charlemagne's empire, made them glad to surrender their little properties to some stronger neighbour, and to receive the land back on the condition of thereafter holding it as his feudatories. Thus, the Feudal tenure of land became more and more general throughout all parts of Continental Europe which had ever been comprised in the Roman Empire; and also in Germany, which had sent forth the original conquerors of that empire, but which had itself been conquered and civilised by Charlemagne, and had, after his death, shared in the sufferings, and

Protection by the Lord.

Increased prevalence of Feudalism.

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troubles caused by the decline and fall of the Carlovingian dynasty.

It is probable that feudal grants of land were at first made only for the lives of the persons on whom they were bestowed. But Feuds (or *Fiefs*, another form of the same word) by degrees became hereditary. Still, the ultimate property in the land was always considered to be retained by the lord, to whom the land reverted (or *escheated*) on failure of a deceased feudatory's heirs. The lord had also the right of seizing it back, if *forfeited* by various acts of misconduct. When an heir succeeded to the estate, he paid a sum of money to the lord, which was called a *Relief*. If the heir was a minor, the lord, as his guardian of right, took possession of the lands during the heir's minority. In many, if not all, countries where Feudalism was established, the lord had the right to choose a husband for his female ward, or a wife for his male ward. If the wards declined the consorts so selected, they were compelled, when they came of age, to pay the lord whatever sum a marriage with such heirs was thought worth.

Feuds hereditary.

Relief.

Wardship.

Sub-infeudation.

The general extension and the importance of Feudalism in Central and Western Europe were greatly enhanced by the practice of sub-infeudation, which also must be shortly explained. It became common for a man, who received a large grant of land on feudal tenure, to make sub-grants of portions of it to others, who held of him as their feudal lord, in the same manner in which he held of the original grantor. These sub-grantees might again subdivide their fiefs, and grant feudally to a third set of tenants; and this process might be renewed as often as the land, or any portion of it, was capable of further sub-division. The primary lord of all, the original grantor of the bulk of

the estate, was styled the Lord Paramount. The tenant who held immediately of him was called Tenant-in-chief. The actual holder of each sub-divided portion, when subinfeudation had taken place, was called the Tenant Paravail. Between Tenant Paravail and Lord Paramount many links of vassal and lord might, and often did, intervene. And, as the same men might be, and often were, each other's lords and vassals in respect of different lands, an almost inexplicable intricacy of feudal relations was introduced; which caused endless conflicts of obligations and rights, and materially aggravated the system of private warfare—a system which the feudal nobles of the Continent prized as one of their most honourable rights, and which was productive of far more misery and social barbarism, than the public wars between independent sovereigns, and even than the civil wars between rival claimants to the same sovereignty.

The Feudal system by degrees extended its influence beyond the rural districts, and beyond the lay populations of each country. The prelates and great abbots were feudatories for their demesnes; and they themselves often granted out lands as fiefs to knights, on condition of military support. Towns and cities had their feudal lords; and the spirit of Feudalism, with as much of its formalities as was possible, was introduced into almost every relation of life, and into almost every institution.

Aristocratic character of Feudalism.

The Feudalism of Mediæval Europe was essentially and aggressively aristocratic. It never sought to abolish kingship; but a king had little real power in a country, the greater part of which was held by feudal princes and nobles, each with his own band or army of vassals of his own, and each claiming and exercising such rights as those of private judicature

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and private warfare. On the other hand, the feudal nobles and their armed kinsmen and retainers regarded with haughty scorn, and too often treated with gross oppression, the peasantry, the artizans, the mechanics, the traders, and all who belonged to the productive and the working classes.

It has been mentioned before in this volume,* how the power of the nobility increased in Continental Europe during the tenth and eleventh centuries; and how each noble strengthened himself in his castle, with his family and his chosen body of armed followers round him. The growth of Feudalism at once promoted and was promoted by the aristocratic usages and influences already described. During the times of the first three Crusades, the use of family surnames became general; and also the adoption of distinctive coat-armour and crests by the members of noble houses and their retainers. A class, almost a caste, of nobility then grew up in western and central Christendom, who based their claims to social and political superiority, partly upon the military tenure of land, and partly on noble, or, as it was frequently called, on *gentle* birth. Such was Feudalism as generally established on the Continent. Providentially for England, there were some important variations in it as introduced and as developed here.

Nobility.

Gentry.

Peculiarities of Feudalism in England.

William made Feudalism universal throughout England by establishing it as a fixed rule, that he as Sovereign held the ultimate dominion, and was the lord, either immediate or paramount, of all the lands in the realm.

He formally established this legal and constitutional doctrine of the universal feudal supremacy of the Crown, and he exacted the solemn acknowledgment of

* Page 196.

it by all the land-owners of England, at the great assembly which he convened at Salisbury in 1086. The Saxon Chronicle records that every man of any note, who held land in England, attended there. They all took the oath of fealty to the King as their liege lord; and each of the vast multitude performed the ceremony of *homage*, by kneeling openly and humbly before William as he sat on the throne, and by placing his clasped hands between the King's hands, and saying thus, "I become your man, from this day forth, of life, of limb, and of earthly worship, and unto you will be true and faithful, and bear you faith for the land I hold of you; so help me God."

All land in England held of the King.

But, at the same time that William made Feudalism universal in England, he struck an effective blow at that part of the Feudal system, which gave the nobles their greatest power against their kings, and which was the most fertile source of rebellion and disorder. On the Continent, the feudal tenant took an oath of fealty to the lord of whom he immediately held the land. This was usually (as we have already seen) some baron, or other powerful subject, and not the sovereign of the land. But William made all the sub-tenants of his feudal tenants—all who held land at all, swear fealty to him, the king. No private warfare was allowed under his stern but orderly government. There were, doubtless, faction-fights in England from time to time between turbulent nobles leading each his band of followers; but such conflicts were acknowledged even by the very offenders to be breaches of the king's peace and violations of the law of the land. These exceptional disturbances were far different from the systematic and recognised practice of private war between baron and baron, between city and city, which filled Germany, France, and other

Every landholder takes an oath of Fealty to the King.

No private warfare by English law.

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Continental countries with incessant petty violences and unchecked local miseries.

Power of Baronial Courts limited.

The other great privilege, which the feudal nobility in general so highly prized, that of having courts of their own for the administration of justice within their domains, was kept within narrow limits by the Conqueror. William established one Supreme Court of justice for the whole realm. This was held in the royal palace, wherever the king might be; and was thence generally called *Aula Regis, Aula Regia.* At the head of this court was the Chief Justiciary of England, an officer second in dignity and power only to the king himself, and viceroy of the realm, by virtue of his office, whenever the king was absent from England. Under him the great officers of State, the Constable, the Marshal, the Seneschal, the Chamberlain, the Treasurer, and the Chancellor, carried on the business of the Court, assisted by trained lawyers, who were styled the king's justiciars or justices. This tribunal was intended to be a court of appeal from all the other courts in the realm. It had also a very extensive original jurisdiction; and it was designed that all important causes should be commenced and conducted in it. The excellent institution of Justices in Eyre (that is, of itinerant justices chosen and commissioned by the sovereign, who were to decide civil and criminal pleas in each county), may be traced in the reign of Henry I., and was regularly established by Henry II. This did much to preserve the uniformity of our law, and to keep down any attempts which the feudal aristocracy might otherwise have successfully made to extend the power of their own baronial courts.* The Norman kings retained also the good old Saxon popular tribunals of the County Court and

Power of the Supreme King's Court.

Justices in Eyre.

The County Courts.

* See "Hallam's Middle Ages," ii., 234.

of the Hundred Court, for the trial of matters which were not of such magnitude as to fit them for the superior tribunals.

The reign of our great legislator, Edward I., will offer a more convenient place than the present for the fuller consideration of Anglo-Norman and Early-English law. We will now pass on to consider the condition of the classes of Englishmen, below the nobility and great landowners, at the epoch of Magna Carta. This may be ascertained with tolerable accuracy; though it would in most cases be difficult, if not impossible, to say at what precise date such change was introduced, which we shall observe to have been effected between the Anglo-Saxons of 1066, and the English of 1215.

The Yeomanry.

Among the classes of Englishmen who won the Great Charter for themselves and their posterity, one of the most valuable and important was that of the yeomanry of England. There may be some anachronism in using the word yeomanry while writing of the reign of John; but it best describes the small rural landowners of our country, freemen, but with no claim to nobility of birth, each cultivating his own little territory for his own benefit and in his own right, and owing subjection to nought save to God, the king, and the law. These men held their lands by the title called *Free Socage*, and were not liable to so many or to such oppressive feudal burdens, as fell on their superiors in rank, the military tenants. In particular their estates were exempt from the lord's rights of wardship and marriage.

Peasantry.

A free peasantry (by which is meant a class of free agricultural labourers tilling the lands of others for hire) did not exist in very considerable numbers, at this time, in England. By far the larger part of the rural population was in the wretched state of villeinage

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Villeinage.

or serfdom, which was the general condition of the masses of the peoples throughout Mediæval Europe, though variously modified in different countries. The villeins of England, in the Anglo-Norman times, were generally bound to particular estates, and passed with each estate from one owner of it to another, as mere chattels connected with the land. These were termed "Villeins Regardant." But the lord of the estate might, if he pleased, sever any villein from the land, and sell him as a *villein in gros* by a separate deed. The lord could exact whatever service he pleased from his villeins. He might beat, imprison, or otherwise chastise them at his pleasure, so that he did not deprive them of life or limb. A villein could acquire no property for himself. All his earnings belonged to his lord. This miserable condition of servitude descended from father to child; and if a villein belonging to one lord married a *neif* (as a female villein was termed) belonging to another lord, the children of such a marriage were equally divided between the two masters.

But, while the law of England in the thirteenth century sanctioned this cruel slave-holding, it also provided many means for the liberation of the slaves. Not only might the lord at any time enfranchise his villein, who thereupon immediately acquired a freeman's full rights; but the law was vigilant and astute to infer and to preserve emancipation, from any act of the lord towards the villein, which appeared to recognise him as free. If, also, a villein could escape to a chartered town, and remain in it for a year and a day without claim by his lord, he was thereby released from villeinage. And in all disputes whether a man was villein or not the law always presumed that he was free, until the contrary was distinctly proved.

The cities and towns of England had undergone a

Cities and Towns.

full share of the sufferings caused by the Norman Conquest. William took the most considerable of them among his own portion of the spoil, as property of the crown. Others were granted to his chief nobles. Generally, the Norman lord of a town farmed out the government of it to the person who would pay him the largest sum of money, and who, under the Norman title of the Lord's Bailiff or Mayor, despoiled and oppressed the citizens with his local tyranny, which was now substituted for their old self-government under their elective Port-Reeve or Borough-Reeve. By degrees they bought back some of their old liberties. The lords of towns found that the burgesses would pay more to be allowed to rule themselves, than middlemen would pay for the privilege of ruling them. Charters, also, with various rights and guarantees, were acquired by many of the civic communities, such acquisition being almost always effected by the payment of a large sum of money. Complaints of the violation of these municipal charters were frequent; and the demand, that the rights and franchises of London and other towns should be thenceforth respected, was one of those most urged at Runnymede. Another claim in behalf of the urban populations, which was preferred there also, and which was provided for in the preliminary articles of the Great Charter, though not in the Charter itself, was that it should be no longer in the arbitrary power of the king, and other lords of towns, to require from them the contributions of money which were called "Tallages," and which were analogous to the *aids* demanded from the tenants of land.

The precautions taken by the Conqueror, that his feudal nobles here should never acquire such a predominance in the State at the crown's expense, as was

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witnessed in France and other Continental countries, proved effective. The immense wealth, which William reserved for the sovereign out of the spoils of Saxon thanes and burgesses, was another important safeguard for Royal ascendancy. The high personal abilities of William himself and his five successors tended even more to keep up the superiority of the Crown. These kings were under little effective control; but they never claimed the prerogatives of despotic rulers, or denied their duty to respect ancient rights, and to govern according to established laws. Several of them granted charters, by which they expressly bound themselves to abstain from some of the worst abuses of feudal power, and to maintain the old liberties of the people. The insane tyranny of John, which set at defiance all laws human and divine, compelled all his subjects to unite in demanding a far more comprehensive and precise instrument of good government, and also to provide means for insuring that it should neither be broken nor neglected.

Wealth of the Crown.

Great abilities of the first Anglo-Norman Kings.

Provisions of the Charter.

The Great Charter first provides for the rights of the English Church. It next stipulates with elaborate, but not superfluous minuteness, for the precise amount of feudal obligation, by which the barons and other military tenants of the Crown should be thenceforth bound. The same limitations were placed by it on the feudal authority of the barons over their own sub-tenants. It ordains that the ancient customs and liberties of cities and boroughs shall be secure, and it gives protection for purposes of commerce to foreign merchants. It enacts many specific improvements in the details of the administration of justice, and it most solemnly and emphatically enounces the great principles, that every freeman's person and property are sacred and safe from the touch of arbitrary power; that they are amenable

Rights of the Church.

Feudal liabilities defined.

Liberties of towns and cities.

only to the decrees of just, of equal, of unbought, and of unimpeded law. It is impossible to repeat here, and to comment on, the entirety of the Great Charter (though every sentence and every word of it deserves an Englishman's earnest study), but the thirty-ninth and fortieth clauses, which contain the words held by Lord Chatham to be "worth all the classics," must be cited here, and must be set forth in the rugged manliness of the original Latin text:—"NULLUS LIBER HOMO CAPIATUR VEL IMPRISONETUR, AUT DISSAISIATUR, AUT UTLAGETUR, AUT EXULETUR, AUT ALIQUO MODO DESTRUATUR; NEC SUPER EUM IBIMUS, NEC SUPER EUM MITTEMUS, NISI PER LEGALE JUDICIUM PARIUM SUORUM VEL PER LEGEM TERRÆ. NULLI VENDEMUS, NULLI NEGABIMUS AUT DIFFEREMUS RECTUM AUT JUSTITIAM."

The free Englishman's safeguards against arbitrary power.

That is to say, "*No freeman shall be taken or imprisoned, or disseised, or outlawed, or banished, or any way destroyed, nor will we pass upon him, nor will we send upon him, unless by the lawful judgment of his peers, or by the law of the land. We will sell to no man, we will not deny or delay to any man, either justice or right.*"*

Another portion of the Great Charter deserves particular attention. It is that which provides for the summoning of the Great Council, or (as the Charter more emphatically terms it) the Common Council of the Realm. The fourteenth clause is as follows:—"To have the Common Council of the kingdom, to assess aid, otherwise than in the three cases aforesaid: and for the assessing of scutage, we will cause to be

The summoning of the Great Council.

* Full comments on these clauses and on the other parts of the Great Charter, will be found in the eleventh, twelfth, and thirteenth chapters of "the Rise and Progress of the Constitution." See also "Richard Thomson's Historical Essay on Magna Charta," pp. 158—325. The Great Charter stands on our Statute Book in the form in which it was renewed in the 9th year of Henry III.

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summoned the archbishops, bishops, abbots, earls, and great barons, individually, by our letters.—And besides we will cause to be summoned in general by our sheriffs and bailiffs, all those who hold of us in chief, for a certain day, that is to say at the end of forty days, at the least, and to a certain place; and in all the letters of summons, we will express the cause of the summons; and the summons being thus made, the business shall proceed on the day appointed, according to the counsel of those, who shall be present, although all who had been summoned have not come."

Principle of no taxation without consent.

We find here an important (though an incomplete) recognition of the principle, that the subject's money cannot be taken by the sovereign, without the subject's consent.—And although the Charter does not use the word "Parliament," it contains a solemn admission by the king of the existence of a great council, which was to meet for the common good of the realm; which the king was bound to consult and convene; and by the opinion of which he was to be guided. The victorious Normans had overthrown the Saxon Witangemote,* with other parts of the Saxon polity; but the Anglo-Norman kings continued the assemblage on important occasions of their great nobles, of their prelates, and of all who held lands immediately by military tenure of the ruler of the realm. Such, it is reasonable to believe, had been the custom in the Duchy of Normandy, and such became the custom in Anglo-Norman England. But many of the poorer tenants-in-chief, by reason of their narrow means and of the cost and difficulty of travelling in those times, soon ceased to attend at the King's Council as regularly as the more opulent nobles. Hence there grew up a distinction between the "greater

The great barons and the minor tenants in chief.

* Described at p. 173, *supra*.

barons" and the inferior tenants-in-chief, a distinction whence has originated the demarcation between the "nobility" and the "gentry" of after ages. This distinction is clearly adopted in John's Charter; and, although the clause which has been quoted does not expressly say that the inferior tenants-in-chief should appear in the Great Council by their representatives, there can be little doubt that such a course was intended. Numerous instances of the election of individuals from each county, for purposes of Government and of the administration of justice, before John's Charter, can be proved;* and the natural way for the sheriffs to obey the royal writs under the fourteenth clause of the Charter, would be for them to convene the military tenants-in-chief of the shire at the County Court, and there request them to elect some members of their body for the purpose of attending the Great Council, and advising the King on the business for which it was summoned.

The king's foreign mercenaries to be dismissed, and baronial guardians of the realm appointed.

In the latter portion of the Charter it was stipulated that the king should send away his foreign "soldiers, crossbow-men, and hirelings," and it finally contained the stringent but needful ordinance that the Barons should choose twenty-five of their number, who were to be guardians of the liberties granted by it; and who, upon breach of the Charter, were empowered, together with the community of the whole kingdom, to distrain and distress the King in all possible ways till the grievance should be redressed according to their pleasure, saving harmless the King's person and the person of his queen and children.

Proceedings of John after the grant of the Charter.

After the grant of the Great Charter, John retired in

* See "Rise and Progress of the Constitution," p. 189; and see Mr. Shirley's Preface to the 2nd volume of Royal and other letters, *temp.* Henry III.: in the Rolls publication, pp. xv.—xxii.

CHAP. XI.

1215—16.

impotent fury to the Isle of Wight, where he passed some months in such seclusion, that his subjects knew not where he was to be found, and a rumour gained general belief that he had taken to the sea and turned pirate. But, in the autumn of 1215, on ascertaining that the barons had dismissed their armed forces and had dispersed each to his own home, John showed an outbreak of savage energy, which, if it proved that some spark of Plantagenet vigour was yet in him, proved also the faithlessness and barbarity of his nature. He secretly levied a large army of Poitevins, Gascons, and mercenary soldiers from every possible quarter, and, at the head of these, he invaded his own kingdom, beating down the attempts at resistance made by the barons, who were taken by surprise, and obliged to fight without concert or organisation. So horrible were the ravages and cruelties perpetrated by John and his foreign followers, that many of the barons took the almost desperate course of calling over Louis, son of King Philip of France, to save them, and of offering the English crown to him as the price of assistance. Louis landed in Kent with a French army in May, 1216, and in June was joyfully received in London by the citizens and by many of the English nobles and prelates. They did homage and swore fealty to him in St. Paul's Cathedral, and he in turn bound himself by oath to restore to all classes of Englishmen their ancient laws and liberties. But some, and those not the least powerful among the English barons, felt the shame and the peril of making England a province of the heir to the French crown. John was able to maintain the war with general success until his death, at Newark, on the 19th October, 1216. He left the right to the throne to his son Henry III. That prince was then only ten years of age; but, providen-

He hires fresh mercenaries and attacks the barons.

The barons call in the French Prince Louis.

Death of John.

tially for England, one of the greatest and best men that she ever produced now came forward as Protector of the infant king and of the afflicted commonwealth. The Earl of Pembroke summoned round him all the English barons he could collect; and his own high personal character must have caused many to attend upon his summons, whom no persuasion or pledges could have induced to place themselves in the power of John. Pembroke led the little king before them, and addressed them in words of sense and manly spirit. "You wrought hard against the father," he said, "for his evil demeanour, and deservedly; but this young child, whom you see before you, as he is in years tender, so is he innocent of his father's misdeeds. Wherefore let us appoint him our king and governor, and let the yoke of bondage to the foreigner be cast from us." Most of Pembroke's audience felt the truth and wisdom of his words. The young king was crowned; and, on the day after that ceremony, Pembroke, as Protector, issued a proclamation in Henry III.'s name, in which the new sovereign lamented the dissensions which had existed between his father and the barons, and alleged his desire to dismiss those dissensions for ever from his memory. He then solemnly promised to all his subjects a full amnesty for the past, and the free enjoyment of their laws and rights for the future.

The Earl of Pembroke protector. His wisdom and patriotism.

The young king Henry III. crowned.

Pembroke also caused a renewal of the Great Charter to be issued in Henry's name. A duplicate of it was transmitted to Ireland for the benefit of the King's subjects there; and the sheriff of every county in England was required, by royal writ, to cause the Charter of Liberties to be read openly in full County Court. The Charter, as thus re-issued, differed in some respects from the original Charter of John.

The Charter renewed.

CHAP. XI. 1216.

Variations.

The provisions of a merely temporary nature were not repeated; but the most important variation was the omission of the clause concerning the manner and the cause of levying scutages. The new Charter stated that it had been agreed to defer the consideration of this and other weighty matters till a more convenient season for deliberating on and setting right things pertaining to the welfare of all.

CHAPTER XII.

Continuation of the war with Louis—Victories of Lincoln and Dover—Liberation of the realm, and pacification—Death of Pembroke—Administration of De Burgh and Des Roches—Attempt of the Pope to rule England as a Roman province—Worthless character of Henry III.—His foreign favourites—His submissive alliance with the Pope—Resistance of the English clergy and barons—De Montfort heads the national party—The Provisions of Oxford—Battle of Lewes—De Montfort in Henry's name summons burgesses to Parliament—Battle of Evesham, and death of De Montfort—Prince Edward sails on a Crusade—Death of Henry III.—Edward I. proclaimed king—State of Europe—The Papacy—The Empire—State of learning and science in Henry III.'s time—Gothic architecture—English Worthies of this Age.

NOTWITHSTANDING the wise and conciliatory policy of the Protector, some of the English barons still remained on the side of Louis, who, with their aid and with his own French army, maintained the war for another year. When John died, the French Dauphin was master of London, and of many districts in the south and in the centre of the island. He had also troops and partisans in the north and in the west; and the King of Scotland and the petty rulers of Wales acted as his allies against the English. The gallant and successful resistance made by the garrison of Dover Castle, under Hubert de Burgh, detained Louis and his main army for many weeks before the walls of that important place, which he vainly strove to win by bribes and threats, as well as military force and skill. This gave invaluable time to Pembroke for re-organising the royal party, which now became also the national party in England. On the 20th of May, 1217, the English Protector in person gained

Louis continues the war.

De Burgh's brave defence of Dover.

CHAP. XII. 1217.

Pembroke's victory over the French at Lincoln.

a brilliant victory in the town of Lincoln over a large force, which Louis had sent thither under the Count of Perche. This battle freed all England, north of London, from the foreigners; but a powerful fleet and army were equipped in France, for the purpose of reinforcing Louis and conquering this island. The French armament set sail from Calais on the 24th of August, under Eustace the Monk, a renegade ecclesiastic and sea adventurer of those days, as renowned for his seamanship and daring, as infamous for his cruelty. The design was to sail up the Thames to London. But Hubert de Burgh still commanded at Dover, and exerted himself to the utmost to collect a force to intercept the French fleet. The men also of the maritime towns of East Sussex and Kent (called, from their original number, the Cinque Ports) saw the danger, and took counsel together to guard against it. Knowing the French armament to be commanded by Eustace the Monk, they said to each other, "If this tyrant lands, he will lay all waste, for the country is unguarded, and our king is far away. Let us, therefore, put our souls into our hands and meet him while he is at sea, and help will come to us from on high." On which one among them exclaimed, "Is there any one among you who is this day ready to die for England?" Another answered, "Here am I." The first speaker then said to him, "Take with thee an axe, and, when thou seest us engaging the tyrant's ship, climb up the mast and cut down his flag, that the others may think their leader lost, and their vessels may disperse." Sixteen ships, manned with bold and skilful seamen from the Cinque ports, with twenty smaller craft, formed the English squadron, on board of which Hubert de Burgh placed himself, with many of his bravest knights.

The French fleet, far superior to the English both in the number and size of ships, was soon seen approaching. The wind blew fresh from the south, and the French were running free before it to double the North Foreland. The little English squadron manœuvred to obtain the advantage of the wind, and at first appeared to avoid the enemy, and made as if for Calais. Eustace the Monk, who knew the strength of the defences of that place, laughed in scorn of what he thought the futile design of the English against Calais, and held on his way confidingly. But as soon as the English ships were to windward of the French, they suddenly tacked and bore down furiously on the enemy's rear. As soon as the English came under the sterns of the French vessels, they threw in grapnels and boarded, cutting down the rigging and haulyards with axes, so that the sails fell down over the crouching French crews and soldiery, as the old chronicler phrases it, "like a net upon small birds." Taken by surprise, the French made but a disorderly and brief resistance. Great numbers of them were slaughtered; and only fifteen of the vessels escaped. The English garrison and inhabitants of Dover saw from their walls this victory with unbounded rapture, and soon the triumphant English returned with their prizes in tow. The clergy met them with crosses and sacerdotal banners on the shore, and the victorious mariners knelt down on the beach to give thanks to God for the success which he had vouchsafed to them.*

Sea-fight off Dover.

Brilliant victory of the English under De Burgh.

This glorious Battle of Dover, fought on the 24th of August, 1217, secured the deliverance of England. Louis, on learning that the great expedition for his

* An excellent account of this battle will be found in Sir Harris Nicolas's History of the Royal Navy. It is the first on the long list of English victories at sea respecting which we have full means of information.

CHAP. XII.

1217—19. Louis makes a treaty and leaves England.

relief had met with this disastrous fate, opened negotiations with Pembroke. The wise Protector offered terms of a safe return for Louis and his French followers, and of full indemnity and reconciliation with their king for the English who had taken part with the invaders. A treaty to that effect was concluded at Kingston on the Thames in September; and before the close of the year all the strong places which Louis had held were restored to the English king's forces; prisoners on both sides were exchanged; and the French Prince, with the remnant of his troops, departed from our shores.

Pembroke continued to govern England in the young King's name with wisdom, moderation, and success, until his death in May 1219 deprived the country of one of the best and bravest men by whom it has ever been her blessing to be defended and ordered.

Administration of De Burgh and Des Roches.

After the great Protector's death, Hubert De Burgh, the chief justiciar, and Peter Des Roches, Bishop of Winchester, took the principal part in the administration of the state, subject however to the authority of the Papal legates, which will be presently noticed. There was a bitter and long rivalry between De Burgh and Des Roches for ascendancy, marked with many alternations of success. Unfortunately for the country Des Roches obtained early a great advantage over De Burgh, by the personal guardianship of the young King being entrusted to him. He thus gained much influence over his pupil and sovereign; and he zealously encouraged the fatal fondness for foreign favourites, and the proneness to serve the Pope, which were soon found to be Henry III.'s chief characteristics. Peter Des Roches was himself a Poitevin foreigner. In early life he had been a military adventurer, but he had left arms for the church, and the Pope had caused him to

Their characters.

CHAP. XII.

1216.

be made Bishop of Winchester. On the contrary, Hubert De Burgh, the hero of Dover sea-fight, was a resolute English statesman, whose one great object was to support the cause of national independence, and to keep England free from the domination of foreigners, whether attempted by open enemies from Scotland, Wales, and France, or by Italian priests, or by the king's mercenaries and courtiers from Provence and Poitou. De Burgh's political character is far from faultless. He was too keenly anxious for his own aggrandisement. He cared little for what we now term constitutional morality. If money was wanted for a national object, De Burgh was ready to levy it by the roughest and readiest means, without heed to chartered formalities or to baronial or popular rights. But on the whole he served England well amid her troubles and perils during the first half of Henry III.'s reign: a period usually slurred over in history, but which the recent publication of documents of the thirteenth century shows to be a period of much importance in our annals.*

Importance of the first half of Henry III.'s reign.

Both Pembroke and De Burgh had been indebted to the Pope and his legate for very valuable aid, in causing the insurgent barons to submit themselves to the young king, and in preventing further hostilities on the part of France; but the Papal interference in English affairs was itself a formidable evil, not only by transferring the revenues and dignities of the national church to aliens (of which we shall see more

Attempts of the Pope to rule England by legatine proconsuls.

* See the first of the two volumes of Royal and other Historical letters illustrative of the reign of Henry III., published under the direction of the Master of the Rolls (1862), and edited by the Rev. W. W. Shirley. Mr. Shirley's preface to this volume is itself a most valuable contribution to our history. Dean Hook also has written admirably on the men and measures of this period in the third volume of his Lives of the Archbishops of Canterbury.

CHAP. XII. 1218.

as we proceed in examining Henry III.'s reign), but by the daring attempt which Pope Honorius III. actually made to treat the realm of England as a subject-province, and to rule arbitrarily the English State, as well as the English Church, by means of a Roman governor sent here with the title of legate. King John had professed himself the vassal of the Holy See; and the young king had at his coronation done homage for England and Ireland to the Pope's legate Gualo. The Pope determined that these should be more than mere formalities. Gualo, who was legate here at the beginning of Henry's reign, was active in amassing money; but Pope Honorius recalled him in 1218, and replaced him by a far superior politician, Cardinal Pandulph, who had already signalized himself as legate in England during the preceding reign. Pandulph, acting in the Pope's name, went far beyond the authority which any lay Lord Paramount ever claimed to exercise in the territories of a vassal. He interfered arbitrarily in every department of the State administration, military or ecclesiastical, judicial or financial. He did not condescend to veil his directions in the form of wishes or counsels; but issued his mandates in the most imperious and peremptory tone, sometimes to De Burgh and Des Roches as his upper servants, sometimes to the officers who had the immediate management of the matter in question.* It is hardly

Pandulph's arbitrary rule here in 1219, 1220.

* See Pandulph's letters of the year 1219 and 1220, in the volume already referred to. See especially the letters at pages 27, 36, 100, 112, 113, 117, and 137. In these he commands the appointment of a specified person as collector of revenue, he orders the Treasurer and the Vice-Chancellor (who seems to have been also Chancellor of the Exchequer), to deposit all the public money in the Temple at London, to guard it there, and to pay none of it out to any one without his (Pandulph's) special order. He enjoins this emphatically by virtue of his legatine authority (legationis quâ fungimur auctoritate firmiter injungentes). This command to the guardian of the exchequer to watch vigilantly over the public money, and to part with none of it except by the legate's order, is frequently and earnestly repeated.

going too far to say that England in 1219 and 1220 had ceased to be an independent country.

From all that we know of De Burgh's previous and subsequent career, we may judge that he bore the yoke of Rome unwillingly and indignantly; but he may probably have deemed it rash to come to an open rupture with Pandulph, and so cause the Papal influence to be exerted in stirring up a new civil war in England, where the malcontents were still numerous, and in bringing fresh invasions from Scotland and France, where much ill-will towards this country existed. We are indebted for our deliverance from Italian bondage to the same great English churchman who mainly acquired for us the Great Charter. Archbishop Langton seems to have been a man of remarkable influence over the minds of all with whom he had personal intercourse. He had been high in the favour of Innocent III., who probably would not have pardoned in any one else the bold independence, and disregard of orders from Rome, which Langton showed in the great constitutional crisis of 1215. He did suspend Langton from his functions as archbishop, but he took no further measures against him. Langton, at the close of 1219, went to Rome, and was so far successful in winning the goodwill of Honorius III. (who succeeded Innocent III. in 1216) as to obtain a solemn pledge that there should be no legate from Rome resident in England so long as he, Langton, was Archbishop of Canterbury. Pandulph was not formally recalled, but was sent on a political mission to Poitou,

In one of these letters he desires the Vice-Chancellor to send him the form for a legatine grant of the custody of castles. The fact that a regular form was kept ready for such grants is emphatic testimony to their frequency; and shows that the Papal authority was now supreme even in matters the most completely secular. There is also a letter to De Burgh in which Pandulph commands the justiciar in the most dictatorial tone that the fortification of Marlborough Castle shall be forthwith suspended.

CHAP. XII. 1220—36

and a check was thus put to the system of Papal interference in the state government of the English, though it continued to be long exercised most oppressively over the temporalities of the English Church; and though Romish legates from time to time appeared in this country.

As Henry III. approached manhood, his character, or rather his want of character, became more and more evident. Increase of years brought no increase of wisdom or of vigour to this feeble being, who throughout his long reign showed himself unstable and infirm of purpose, and void of energy for either good or ill.*

His favouritism and fickleness.

The most marked traits in him were devoutness exaggerated into superstition, and an inveterate tendency to lying. Various ministers held sway at different times over "the king's waxen heart"† (as the old historian terms it), but all experienced his fickleness and untrustworthiness. In 1236 he married Eleanor of Provence; and the foreign relatives of the new queen, who accompanied her in great numbers, obtained unbounded influence in the English Court. Dignities and riches were heaped on them by the thoughtless favour of Henry; and the ostentatious insolence with which they treated the English, as well as their rapacity and lawlessness, made them, and the king himself, objects of suspicion and ill-will with every class of the English nation.

* "Dante, nearly the contemporary of Henry III., puts him into his Purgatory as a simpleton, and ranges him among children and others who have been useless in their lives, to be punished principally by dwelling in darkness and solitude,—

Non per far, ma per non fare,
Vedete il Re della simplice vita
Seder là solo, Arrigo d'Inghilterra.—*Purg.* 7.

But perhaps the judgment of later times would pass a sterner sentence on the cause of so much misery and confusion."—*Blaauw's Barons' War*, p. 10

† "Cor Cereum regis." Mat. Par.

This misgovernment caused a series of conflicts between the king and his barons, which are very important in our constitutional history. Before we proceed to consider them, we may glance very briefly at the transactions with foreign powers which occurred during this reign. Henry more than once engaged in hostilities with France, and made attacks upon that country, the results of which were almost uniformly unfavourable and discreditable to the English. In one campaign, which Henry conducted in person in 1242, against Louis IX. (commonly called St. Louis), the French king gave him two complete defeats, at Taillebourg and Saintes, which deeply galled the pride of the English. Towards the Pope Henry acted as the most submissive of vassals; and enormous sums of money were frequently extorted by the Romish see from the English clergy, with the king's full concurrence. In return for this the Pope was always ready to absolve Henry from inconvenient oaths, and to employ spiritual threats and censures against the English barons and prelates who opposed their sovereign. In 1250 the English king was weak enough to accept from Pope Alexander IV. the title of King of Sicily for his second son, Prince Edmund. This was made the pretext for renewed and augmented demands by the Pope for supplies of money from England; and the insolent injustice, with which many of the most eminent English prelates were treated by the Papal emissaries, tended more and more to alienate the English clergy from the king, who allowed and seemed to approve of such oppressions.

Conflicts between the king and the barons.

Henry's foreign policy.

Henry's subserviency to the Pope.

The king's own applications for money were incessant, and probably caused him to convene frequently the Great Councils, which did so much to secure our liberties. Though continually breaking the Great Charter by iniquitous exactions and illegal practices,

Henry's renewals of the Charters.

CHAP. XII.

1232—38.

Henry had seldom daring enough to deny or disclaim its authority; and he repeatedly gave it his public confirmation, and bound himself by the most solemn oaths to observe its provisions. This was generally the price for which he obtained grants of money from his Councils, or Parliaments,* as the great meetings of the barons, prelates, and representatives of the freeholders began to be termed in his reign. But the Pope's absolution was always obtainable by the king, to release such conscience as he possessed from the obligation of his constitutional engagements; and at last the barons felt the necessity of controlling by more practical bonds their "Proteus" king, as Henry is styled by writers of the age.

Parliament.

Simon De Montfort.

The great leader of the baronial and national party, for nearly a quarter of a century, was the king's brother-in-law, Simon de Montfort, Earl of Leicester. This remarkable man was a foreigner by birth, though some of his ancestors had been English. The dignities and ample possessions which had been formerly held by members of his family in this island, but which had been forfeited for alleged treason to the Crown, were restored to De Montfort in 1232, and in 1238 he married Henry's sister, the Princess Eleanor. In 1238 the king conferred on him the earldom of Leicester. Up to this time, he had been high in personal favour with the king; but, before the end of 1239, Henry, in one of his fits of caprice, quarrelled violently with the new earl, and compelled him and the Countess of Leicester to leave England for a time. After his quarrel with the Court, De Montfort seems to have addressed himself assiduously and successfully to winning the good-

At first a favourite of the king's.

Made earl of Leicester.

The king's enmity against him.

* The title of Parliament appears to have been given to the Great Council summoned in 1246; and thenceforth to have been used in the sense which it still bears. Originally, the word "Parliament" meant any kind of conference.

CHAP. XII.

1232—38.

will of the English barons and clergy, and of the English nation in general.

Evidence as to De Montfort's character.

The trustworthy information, which we possess respecting De Montfort, is but scanty. That he had high administrative as well as military abilities, is clear, not only from his exploits in England, but also from his able and successful government of Gascony, which province King Henry was very reluctantly obliged to entrust to him more than once when it was rebellious against the English crown. The intimate friendship in which De Montfort lived with Robert Grostête, or Greathead, the great Bishop of Lincoln, and Adam de Marisco, one of the most eminent of the Oxford schoolmen, proves both the high opinion which those two excellent men entertained of De Montfort, and De Montfort's appreciation of their excellence. Their letters, still in existence, attest also the freedom with which they could advise, and sometimes censure the earl,* and the same letters appear to point out the faults in his character. They imply that he was haughty in temper, and that he had a tendency to take extreme measures, that he was not always sufficiently guarded as to those before whom he spoke about his feelings and his plans.† But there is nothing to show that De Montfort was in any way stained by the selfish ambition, the avarice, the perfidiousness, the

His friendship with Bishop Grostête and Adam de Marisco.

* See Professor Brewer's preface to the Monumenta Franciscana, edited by him in the Rolls Publication, pp. lxxxviii.—xci.

† See the passages cited by Professor Brewer in the preface referred to, and also the letter which begins at p. 270. There is a remarkable letter from Adam de Marisco to Grostête at p. 110, from which it seems that a treatise of Grostête's on Constitutional Monarchy and Tyranny had been in De Montfort's hands. There are some letters to the Countess of Leicester, from which it would appear that De Montfort's royal wife was somewhat of a termagant. See pp. 284 and 288. Mr. Blaauw at p. 48 of "The Barons' War," cites from Matthew Paris, and other authorities, other proofs of "the hasty temper and unreserved speech" of De Montfort.

CHAP. XII.

1239—58.

De Montfort zealously supported by the English clergy.

cruelty, or the sensuality, which debased so many of the leading men of that age. De Montfort evidently sympathised warmly with Grostête and the better spirits among the English clergy in their attempts to reform ecclesiastical abuses, and to withstand the rapacious aggressions of the Pope. He had, in return, the zealous support of the English Church; and not of the clergy only, but of the merchants, and of almost every order of the community. He seems to have possessed marvellous power in discerning the interest and the feelings of the various classes, and in making them regard him as their true friend and zealous champion. This is proved not only by the letters referred to, and the contemporaneous chroniclers and other writers, but also by the indisputable fact that for many years after his overthrow and death the English nation venerated him as a sainted hero, and placed him almost in the same rank as the martyr Becket.

His general popularity.

As has often happened before and since, the popular sense of public grievances was finally exasperated into actual outbreaks against the government by a season of severe physical distress. A dreadful famine afflicted England in 1257. The king increased the disaffection of the people by a foolish and wicked attempt to seize and appropriate for the royal household a large cargo of corn, which had been imported from abroad. A Parliament was summoned at Oxford in 1258; and the barons, sure that they would carry the feeling of the nation with them, entered Oxford with their armed followers, as if for an expedition against the king's enemies in Wales, but in reality with the intention to coerce the king into better government, and to place a permanent superintending authority over him. Henry stood before them almost as powerless and as friendless as his father had stood at Runnymede.

National distress in 1257.

Oxford Parliament of 1258.

This Parliament has been termed "the Mad Parliament" by ultra-royalist writers; but there have been few clearer heads in England than those of De Montfort and his coadjutors. We may still read in a Latin rhyming poem, written very close to this time by one of their numerous supporters among the English clergy, as vigorous an exposition as ever was penned of the right of freemen to resist and to remedy extreme misgovernment on the part of their rulers.*

Provisions of Oxford.

The barons at Oxford did not attempt to depose Henry III., or to subvert the monarchy. Following mainly the precedent set by their fathers, who won the Great Charter from King John, they required that twenty-four persons should be chosen (half by the king, half by the barons,) to act as guardians of the laws of the land during the reign of Henry. They stipulated also for the solemn confirmation of the Great Charter, for the redress of several specified grievances, and for placing all offices of state and all the fortresses of the kingdom in the hands of Englishmen only. Henry assented to these terms; and easily took an oath to keep them, which he regarded as easy to be set aside when opportunity offered. Prince Edward, his eldest son (who was now approaching manhood), took the oath also, but with an amount of reluctance that showed his sincerity. The foreign favourites of the king were driven from their high places amid the general joy of the nation; and for three years England appears to have been peacefully and prosperously governed by her imperial board of guardians, as we may not inaccurately term the twenty-four counsellors who were appointed at Oxford.

Guardians of the kingdom appointed.

Englishmen only to be employed in high offices.

The board of guardians rule England well for three years.

* See the Camden Society's Political songs of England from John to Edward II. An able epitome of this poem will be found in M. Blaauw's work, p. 68. Extracts from it will be found *infra*.

CHAP. XII.

1260—64.

Dissensions in the baronial party.

The king obtains absolution from his oath.

At last the usual jealousies that spring up in aristocratic bodies began to weaken the baronial party, and Henry (who showed more persistent cunning, if not cleverness, in this than in any other part of his reign) commenced preparations for the resumption of royal power into his own hands. By large bribes he procured from Rome two Papal briefs, by which Pope Alexander annulled the oaths which the king and others had taken to observe the provisions of Oxford. The conduct of Prince Edward here formed an honourable contrast to that of his father. It had been with undisguised reluctance that he had taken the Oxford oath; but such a pledge, when once given, was binding on his noble spirit, nor could he lull his conscience into slighting it by the low plea of Papal absolution. For some time he opposed Henry's projects; nor do we find him acting on the royal side until De Montfort and his party were in open warfare against the king.

St. Louis of France arbitrates between the king and the barons.

The barons refuse to keep the award.

Civil war.

An attempt was made to check hostilities by referring all the disputes between the barons and their sovereign to St. Louis of France. The French king awarded that the Provisions of Oxford were to be annulled. The barons refused to accept this decision, and in 1264 the civil war began, which gave in its first year a complete triumph to De Montfort, a triumph deeply interesting to us by reason of its close connexion with an important advance in the development of our parliamentary constitution.

Battle of Lewes.

The royal and baronial armies came into conflict on the 14th of May, 1264, on a broad expanse of lofty down land to the west of Lewes in Sussex, where a hill still bears the name of Mount Harry in memory of the battle. Prince Edward, with the right wing of the

king's troops, charged furiously upon the Londoners, who formed the left of the baronial army. He broke them and followed them in deadly chase far from the field. Meanwhile De Montfort (who was even more remarkable for his skill in marshalling and handling his forces than for his personal valour) attacked and routed the king's centre and left wing; and Prince Edward, on returning with his cavalry, exhausted by their long pursuit of the Londoners, found that the battle was irretrievably lost, that his uncle, the King of the Romans, was a prisoner in De Montfort's hands, and that the King of England, with the survivors of the bulk of his army, had been driven down into the town of Lewes, where the dispirited Royalists were cooped for defence in the castle, and in the strong buildings of the priory. Edward forced his way thither, but he and his father were soon obliged to capitulate, and De Montfort became for a season the real ruler of England, though the authority of the king was still nominally maintained.

Victory of De. Montfort.

The king a prisoner.

De Montfort made ruler of England.

It was during this season that the great constitutional event occurred, which invests the battle of Lewes with so much historical importance.

In the December of the same year in which the battle of Lewes was fought, De Montfort summoned in Henry's name a Parliament to meet at London on the octave of St. Hilary in the coming January, and to that Parliament were called not only the great barons, the prelates, and the knights of the Shire for each county, but also now for the first time the cities and towns were required each to send "two discreet loyal and honest men." This is now universally admitted to be the first instance of the representation of the cities and boroughs; and the Parliament which the victor of Lewes then assembled, and which met at

He summons representatives of the towns to Parliament.

CHAP. XII. 1265.

London on the 20th January, 1265, was the first complete English Parliament.

There seems to be nothing unreasonable in the opinion intimated by one ancient chronicler, and assented to by several modern writers, that De Montfort took this important step deliberately, and with the intention of strengthening himself by the support of the commercial middle classes, whose growing importance he had the sagacity to recognize and to foresee. Whether he perceived the permanent constitutional effect of the innovation which he made, must be mere matter of speculation. It has been pointed out already in these pages* that the Great Charter, as obtained from John, protected the barons and other great landowners from taxation without consent, but was silent respecting the commercial part of the community. Yet it is certain that they who obtained that charter had designed to give the citizens and burghers of England the same protection from royal rapacity which was assured to the landholders. This is evident from the "Articuli Magnæ Cartæ," the rough draft of the barons' stipulations, which was laid before King John at Runnymede, and to which he assented under seal. In the 32nd of these articles, after the provision against the levy of scutages or aids without the consent of the general council of the realm, were added the important words, "and in like manner shall it be respecting the talliages and aids of and from the city of London and other cities." Through some unexplained neglect or manœuvre these words were omitted when the charter was formally drawn up; and the cities and towns were left exposed to the exactions of their feudal oppressors without any protection in the national council. But the citizens who were with De Montfort at Lewes were

* *Supra*, p. 325.

the descendants of the citizens who had been with the earlier barons at Runnymede. We may well believe that they knew the safeguard which had been designed for their class, when the terms of Magna Carta were first agreed on, and that they used all their influence with De Montfort now to obtain that safeguard, taking care that their representatives should be summoned to Parliament.

We possess two remarkable documents of this period, both poems, both certainly written very soon after the battle of Lewes, and which attest the popularity of De Montfort with the mass of the English nation, and also with the English clergy. One of these is an English ballad which describes with rough satire some of the incidents of the battle;* the other is in rhyming Latin, and is of a higher strain. It discusses with spirit and ability the doctrines of the limitations of monarchy by law; the right of popular resistance to extreme oppression; and the right of the nation to interpose and reform misgovernment. The author distinctly asserts that "It is a vulgar error to suppose that the course of law is according to the royal will. The truth is the other way. The king may fail, but the law stands fast."† . He lays down in words appli-

Liberal poetry of that age.

* I subjoin a stanza which ridicules the King of the Romans (called King of Alemaigne from his German dignity), for his having sought refuge in a windmill on the Lewes downs, where he was captured.

The King of Alemaigne gederede hys host,
Makede him a castle of a mulne post
Wende with his pride and his muchele host,
Brohte from Alemaigne mony sori gost
To store Wyndeane—
Richard thap thou be ever trichard,
Trichen shalt thou never more.

The whole ballad is to be found in Percy's Reliques, and many other collections. It is one of the best examples of the transition of our language from what is called the Semi-Saxon stage to the old English stage.

† Dicitur vulgariter "Ut Rex vult Lex vadit,"
Veritas vult aliter: nam Lex stat Rex cadit. »

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cable to subjects as well as to kings, that "True liberty is not the licence for fools to lord it in the land, but liberty must keep within the bounds of law, and when those bounds are broken it is to be regarded as error."* Alluding, probably, to the very Parliament summoned by De Montfort, the poet says, "Let the Commons of the realm be consulted, and let the opinion of the whole nation be made known."† This poem may be taken to represent the sentiments of a great part at least of the English clergy, who sided zealously with De Montfort, and utterly disregarded the threats and interdicts by which Pope Alexander endeavoured to quell the opponents of his favourite, King Henry III.

Jealousy between De Clare and De Montfort.

But among the barons themselves the same spirit of dissension broke out, which had been fatal to them in their former season of triumph. De Clare, Earl of Gloucester, the most important leader of the baronial party next to the Earl of Leicester, grew jealous of the predominance and alleged arrogance of the De Montfort family; and before many months after the victory at Lewes had elapsed, the De Clares and many more of the victors were in active correspondence with the defeated royalists. Prince Edward succeeded, on the 28th of May, 1265, in escaping from the power of De Montfort; and the Earl of Gloucester, after requiring and obtaining an oath from the prince that he would obey the laws of the land, joined him with large forces. The partisans of the king gathered readily round young Edward, who had learned experience

Prince Edward forms a royalist army.

* Nec Libertas proprie debet nominari
Quæ permittit temere stultos dominari.
Sed Libertas finibus juris limitatur,
Spretisque limitibus Error reputatur.

† Igitur communitas regni consulatur,
Et quid universitas sentiat sciatur.

from his defeat at Lewes, and who thenceforth through his long career showed himself as skilful and cautious a general as he was brave in actual fight. After gaining important advantages over the younger De Montfort, he advanced on the 4th of August, 1265, with far superior forces, upon the old earl himself near Evesham. The march of Edward's divisions was so well arranged, that retreat for the baronial troops was impossible. Earl Simon ascended the tower of Evesham Abbey to reconnoitre the royalists; and, observing the excellent order of the first division that came in sight, he exclaimed, "By the arm of St. James, they come on skilfully; but it is from me they have learned that discipline." Presently as the other bodies of the royal troops appeared, encompassing him round about, the old warrior saw the extremity of his peril, and exclaimed, "May the Lord receive our souls, for our bodies are Prince Edward's." He rejected the entreaties of his sons and his friends, who besought him to save himself by flight, while they withstood the enemy's charge; and calmly, though hopelessly, arrayed his men for his last battle. It was fiercely fought, from morn till nearly evening. At last De Montfort, his son Henry, and a hundred and sixty of the best knights of the baronial party, lay dead, with many more of its bravest supporters. Not many prisoners were taken; the resistance had been too desperate. Henry III. narrowly escaped death in the battle. Leicester had taken the king with him wheresoever he went, and had compelled him to take his station in the ranks of the baronial army at Evesham. Henry received a wound in the shoulder from one of the royalist assailants, but his helmet fortunately fell off; upon which his loud outcries that he was the king, and that he would not fight, caused him to be

Battle of Evesham.

Defeat and death of De Montfort.

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observed and recognised, and he was soon placed in safety by his victorious son.

Veneration of the English for De Montfort's memory.

Though De Montfort at the time of his death was under sentence of excommunication by Henry's firm friend the Pope, the English nation long revered the fallen chief as a martyr and a saint. Miracles were believed to be wrought by his mangled limbs; his tomb was a shrine whither pilgrims resorted from afar; and prayers and hymns were poured forth to him as an intercessor for man with God.* But the military power of the great baronial party was utterly broken by his death, though Kenilworth Castle and other strongholds resisted the king's troops for a considerable time, and found employment for the active spirit and daring valour of Prince Edward. On one occasion the prince surprised the band of a noted partisan, named Adam Gordon, near Alton, in Hampshire. Gordon was renowned for his personal prowess, and Edward ordered his troops not to interfere, and then, leaping alone over a ditch that separated the two parties, he challenged Gordon to a single fight. The combat was long and doubtful; at last Gordon received a wound which compelled him to yield. Edward not only gave him pardon, but took him into favour; and Gordon ever after was one of his stauncheſt and most faithful followers.

Saint Simon.

Valour of Prince Edward.

Tranquillity of England.

In 1269 England was restored to such tranquillity that the presence of the prince was no longer thought necessary for the king's safety, and Edward determined to fulfil a vow, which he had made while in

* See specimens in Blaauw's Barons' War, p. 257, and in Milman's History of Latin Christianity, vol. v. p. 69.

"Sis pro nobis intercessor
Apud Deum, qui defensor
In terris extiteras."

"Ora pro nobis, Beate Simon, ut digni simus promissionibus Christi."

captivity, that, if God would grant him deliverance, he would head a Crusade to the Holy Land. While the prince was absent on this enterprise, Henry III. died, on the 16th of November, 1272, after a reign of unprecedented length—a reign of little interest so far as regards the personal character of the sovereign, but a period of great importance, on account of the social and political progress of the nation. The increased stability and regularity of our institutions were proved by the readiness and peacefulness with which the English of all ranks acknowledged the absent Edward to be their King. And, though two whole years passed away between the old King's death and the new King's return to the realm, the affairs of the state were carried on tranquilly and prosperously by the regents, or guardians, who acted in Edward's name. This long-continued security may have been partly due to the high reputation which Edward had already acquired before he left England, and which must have been greatly augmented by his brilliant achievements in Palestine and other foreign countries.

1272. Prince Edward goes on a crusade.

In the rapid sketch which has been taken of Henry III.'s long reign, we have had occasion to notice that his son, Prince Edmund, became nominal King of Sicily, and to speak of his brother, Richard Earl of Cornwall, who became King of the Romans. We must now pause to consider the incidents in the long-continued strife between the Empire and the Papacy, which led to these English princes receiving these foreign titles. The relations between Rome and England, and even the constitutional history of England itself, cannot be fairly understood without attention being paid to the other currents of events in Christendom: and the leading fact of the

Sketch of general history of Europe during the 13th century.

The continued strife between the Papacy and the Empire.

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history of Europe, during the greater part of the thirteenth century, is the bold, and seemingly triumphant assumption by the Popes of supreme temporal, as well as spiritual power. It is to the undying honour of the English clergy and the English nation that, though betrayed by their own Kings, John and Henry III., they maintained a generally firm, though not always consistent, struggle against these Romish usurpations—a struggle which enured ultimately to the common good of Europe, and not merely to the benefit of our own country. It is also necessary for the writer of English history to watch how the Imperial power was shattered in this age, inasmuch as the ensuing weakness of Germany favoured the predominance acquired by France and England among the powers of Europe.

Apparent triumph of the Popes.

They claim supremacy in temporal as well as spiritual matters.

Noble resistance of the English people, clerical as well as lay, to Rome.

In a former part of this volume,* we have adverted to the growth and vigour of "The Holy Roman Empire of the German Nation," and to the effective sovereignty of its emperors in the tenth century over Italy, as well as northward of the Alps. We have seen also how during the following century the Imperial power declined; and how the Papacy acquired, first, independence, and next, ascendancy over the Emperors. The cities of Northern Italy, which, though willing to acknowledge the titular sovereignty of the Emperors, claimed and practised absolute rights of self-government, were the natural allies of the Popes in this controversy. The Emperor Frederick Barbarossa, the greatest of the House of Hohenstoffen, maintained the conflict with characteristic energy and dignity; but he was decisively defeated by the Lombard Republicans at Legnano, and was obliged to recognise their practical

Former incidents in the strife between Rome and the Empire.

Death of Emperor Frederick Barbarossa.

* P. 194.

independence by the treaty of Constance. Frederick perished, as has been mentioned, by an accidental death in Asia Minor at the commencement of the third Crusade. His son and successor, Henry VI., after a short reign of violence and cruelty, died in 1202. He left behind him a child, who eventually became the Emperor Frederick II., and who was entitled, by right of inheritance, to the thrones of Naples and Sicily, of which countries his father had been king. But in Germany the princes and the great prelates (though many of them had in the Emperor Henry's lifetime solemnly recognised Frederick as successor to the Empire) refused to place a child at their head; and a disputed and double election followed, the effect of which was to set up Philip of Suabia and Otho of Brunswick as rival Emperors. The Pope now proclaimed that no election of an Emperor was valid without Papal confirmation; and that, in the event of a doubtful election, it was for the Pope to bestow the Empire on such person as to him should seem most fit. With respect to other temporal dominions, the Roman Pontiff not only asserted his right to excommunicate and depose irreligious and impenitent sovereigns, but claimed the right of acting as the Lord Paramount of Kingdoms, and of setting up new vassal kings in cases where a throne was vacant, or the title to it doubtful. These and similar assertions were in that age no mere words of audacious arrogance. Our King John, as we know, grovelled before them, and strove to make England a papal fief. Peter II. of Arragon received his crown as a vassal prince from Innocent III., and took an oath of allegiance to the See of Rome. When, on the death of the Emperor Henry VI., his widow, Queen Constantia, sought aid of Innocent to procure the recognition of her infant son as King of Naples and Sicily,

Henry VI. Emperor: died 1202.

His successor an infant.

Contest for the Empire between Philip of Suabia and Otho of Brunswick.

The Pope assumes the right of deciding who shall be Emperor.

His claims to put down and to set up kings.

Submissiveness of the kings of that age.

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she was compelled to acknowledge, in her own and in her son's name, the paramount feudal sovereignty of the Pope over the whole Neapolitan and Sicilian territories. These and similar usurpations were not endured without dissatisfaction and murmuring on the part of the peoples, whose national independence was thus sacrificed by their kings and princes; but still these and similar usurpations were made, and were for a time successfully maintained. No matter was too great, and no matter was seemingly too minute for papal interposition. Neither was it possible to make such precautionary arrangements as should deprive the Pope of all pretext for interfering. If a treaty between state and state, or a solemn compact between parties in a state, or a contract between individuals offended the Pope, he declared it to be void, and gave a release from the obligation of all promises and oaths, with which it had been accompanied and ratified. In contracts between man and woman ecclesiastical tyranny found an especial field for exercise. The prohibitions of marriage on the ground of relationship between the parties had been carried to an excess, which the common feelings, and therefore the common practice of mankind disavowed and disregarded. Marriages of this kind were liable at any time to be declared null and void by the Pope, who, on the other hand, claimed and exercised the prerogative of granting dispensations from the prohibitions, which the ecclesiastical law purported to impose.

Papal interference constantly exercised.

The Pope annuls treaties, contracts, promises, and oaths.

Papal interference as to marriage and divorce.

It seems natural that Pontiffs, who claimed and exercised such power over the laity as we have been considering, should have been allowed also the right of absolute supremacy in all ecclesiastical matters, not only as to determination between orthodoxy and heresy, but as to the appointment of bishops and

Papal oppressiveness towards the national clergy exercised.

priests, and as to the disposal of clerical revenues. Yet it was by rapacity in the last-mentioned cases that the Papacy, made for itself its worst enemies, and did the most to undermine the dominion of Rome. The national clergy in each kingdom of Christendom felt the Popes to be their constant spoliators and oppressors: and, though still zealous for the true Catholic faith against heresy and schism, they were ready and eager to join in patriotic resistance to the pontifical harpies from Italy. The institution and rapid growth of the two great orders of Mendicant Friars, the Dominicans and Franciscans, during the thirteenth century, did much to support the Popes against the growing hostility of the secular clergy and of the old monastic orders. So long as the Dominicans and Franciscans were really paupers, they were the natural rivals and antagonists of what we may term the established and endowed clergy in every nation; but when, by means of the subterfuges and legal fictions common in all such matters, the Friars, both Gray and Black, acquired the world's goods and wordly consideration, they lost the Romish zeal which had marked their old half-starved, but enthusiastic predecessors; and they lost also their own influence over the multitudes of the laity.

The new orders of Mendicant Friars.

Even in the most high and palmy state of Papal Rome, her dominion was insecure. It vaunted itself based on the rock of ages; but it really was floating on public opinion. There were even then bold inquirers and laborious students; and, even in those ages, men of intellect and learning could sway the minds and feelings of myriads. There was always a risk that the forgery of the False Decretals (by which so many of the papal prerogatives were chiefly supported) might be detected and exposed. There was the growing

The Papal power really insecure.

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probability that, as the new vernacular languages of Europe acquired regularity and polish, and became the vehicles and organs of new literatures, translations of the Scriptures would become numerous and popular; and that even laymen would make the Scriptures their standard of theological truth and their rule of ecclesiastical polity, to the total or comparative disregard of tradition, legend, and mere sacerdotal dogma. Moreover, the popes, the cardinals, and the other high clerical dignitaries were, after all, but men, with the ordinary frailties and passions of men, yet exposed by their positions to extraordinary temptations. They were also so circumstanced that their crimes and vices could hardly escape notoriety. The pride, the ambition, the cruelty, the perfidy, and the sensuality that stained so many of the spiritual grandees, were probably not greater, possibly much less, than existed among a still larger proportion of the princes and barons of those days. But the purity and holiness of the ecclesiastics' profession made their misdeeds more painfully glaring in public view. Distrust and dislike of the systems under which such men claimed despotic rule over their fellow creatures' bodies, minds, and souls, grew up inevitably, though slowly, and at first almost silently. Nowhere did it earlier find utterance, and nowhere did it become more fixed and permanent, than in England.

Evil example set by many of the higher clergy.

Their great temptations.

Inevitable notoriety of their immoralities.

Even when the Papacy was held by high-minded and pure-hearted men, much was done under the sanction, real or apparent, of papal orders, that outraged the general good sense and good-feeling of Christendom. Innocent III., the Augustus Cæsar of Papal Rome, assuredly sought power, mainly, if not entirely, with the belief that supreme dominion belonged to him of right as God's Vicar upon earth,

Prejudicial effect of many of the successors of even the best Popes.

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and that the exercise by him of such dominion was desirable for the sake of the glory of God and for the sake of the good of mankind. Yet in his time the Crusade, which had been preached and organised at his instigation and with his avowed sanction and blessing, for the old purpose of rescuing the Holy Land from the Mahometans, was diverted first to warfare upon the Christian kings of Hungary, and then to fiercer and more calamitous warfare upon the Christian emperors of the East. Pious and earnest men throughout Europe learned with horror and indignation that the Army of the Cross, which the Pope had sent forth with his blessing, had been employed in conquering Zara for the benefit of the Venetians, and had then occupied itself in two sieges of Constantinople, the last of which was made infamously conspicuous, even in those ages of strife and ferocity, by the destructive rapacity and the insolent cruelty, with which the great Christian city and its Christian inhabitants were treated by their Christian conquerors. A Latin Empire of the East was set up, of brief and inglorious existence. The Venetians obtained a vast increase of commercial and political dominion. Many of the crusading chiefs became petty princes; but the genuine crusading spirit, that which had animated Godfrey and Cœur de Lion, and which had done so much for aggrandizing the Papacy through Europe, was almost extinguished by the perversion of the fourth Crusade. The fifth Crusade was carried on by the Emperor Frederick II., in defiance of the Pope. The sixth was due to the personal enthusiasm of St. Louis of France. The seventh, and last, was little more than a military excursion of our Edward I., in his youth, to the East.

Sincerity of Innocent III.

Perversion of the fourth crusade which he had ordered and supported.

Horror of the sack of Constantinople by the Crusaders.

The Crusade against the heretics of Languedoc,

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The Crusade against the Albigenses.

which was ordained by Innocent III., though seemingly successful in crushing its victims, was even more prejudicial than the fourth Eastern Crusade to the interests of Papal Rome. Many men must have been distressed at seeing an army of soldiers of the Cross levied and employed against a part of Christendom, which still professed to be Christian, though it was alleged that many of its inhabitants had apostatised from the true faith. But it was not so much the purpose of this Crusade, as the manner in which it was waged, that invested it with infamy. The inhuman cruelty, the shameless perfidy, and the malignant vindictiveness, with which the Provençals were slaughtered and outraged by the orthodox partisans of Rome, created a deep and widely-growing alienation of men's minds from the spiritual potentate who seemingly ordered, and who certainly sanctioned these atrocities. "For after all, it is much more certain that the Supreme Being abhors cruelty and persecution, than that He has set up any special ecclesiastical rulers to bear sway on earth." This expression of a great truth is in substance the expression used by one of the great historians of whom our country has lately been deprived.* It was applied by him to events of the seventeenth century, but the feeling which it embodies is a feeling of universal humanity.

Apparent prosperity of Papal Rome.

Thus was Papal Rome, even amid her proudest triumph, sowing the seeds of disaffection and decline. But the time when whole nations should be ripe for revolt against her was yet far distant, and, to superficial view, her career during the thirteenth century was one of increasing domination and might. During this period she completely quelled her ancient and long formidable enemy, the Empire. The strife in its

* Hallam.

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final acts assumed an increasingly rancorous character. When the House of Hohenstoffen, sometimes called the House of Suabia, became the Imperial family of Germany, on the accession of the Emperor Frederick Barbarossa in 1154, the enmity between Emperor and Pope raged with the inveteracy of a personal quarrel. No Arabian, or Scotch, or Corsican family ever kept up a death-feud from generation to generation with more steadfast malignity and more faithful mercilessness, than the ecclesiastics of different lineages and countries, who succeeded each other in the See of Rome from Hadrian IV. to Clement IV., displayed against the Hohenstoffen race. At last, in 1250, the Emperor Frederick II., whom pope after pope had cursed and excommunicated, but who had long contended against the Papacy and its temporal allies, always with spirit and sometimes with success, died, beaten as a general, baffled as a statesman, and broken-hearted as a man.

Peculiar rancour of the last century of the strife.

Inveterate hatred of the Popes towards the House of Hohenstoffen.

Death of the Emperor Frederick II. 1250.

There was now an almost total collapse of the Imperial power. Some of the German princes set up William of Holland as Emperor. On his death in 1256, a disputed election followed, our Richard, Earl of Cornwall, and Alphonso, ex-king of Castile, being the rival candidates. Richard was generally recognised as imperial head of Germany, and bore the title of King of the Romans. But his rank was little more than titular. Richard was a man of some spirit, and of more principle than his brother, our Henry III.; but his chief recommendation to the German electors was his enormous wealth. He appears to have exerted himself with some effect to promote the commercial intercourse between England and the great trading cities of Germany, that were now rapidly acquiring wealth and political importance. Many of these towns became, practically, free, self-governed states; and

Collapse of the Imperial power.

Richard of Cornwall, King of the Romans.

The German Free Towns.

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Disunion of Germany.

throughout the territories of Germany, Holland, and the other countries which had once been considered as forming portions of the Empire, an almost infinite variety of independent states and principalities maintained themselves, some being under dukes, counts, margraves, landgraves, and other lay rulers; some being under princely archbishops and bishops; and several districts along the north-eastern coasts and frontiers being possessed by the Knights of the Teutonic Order and the Knights of the Sword, who had won them by conquest from their old pagan inhabitants.

Growth of the Spanish Christian kingdoms.

While Germany was thus disunited, France and England began to be regarded as the chief European powers. The Spanish Christian kingdoms of Castile and Arragon were both making rapid progress, but were still too much occupied with warfare against the Moors to interfere often with effect in scenes beyond the Peninsula.

Their free political constitutions.

The early history of the Spanish kingdoms deserves some attention from an English student on account of their remarkably free and popular political constitutions, and especially the great privileges of the chartered towns, which were fully represented in the national assemblies, the Cortes, before Simon de Montfort and Edward I. summoned burgesses from the English cities to Parliament. The marriage of our Edward I. with a Castilian princess, and his visit to Burgos in 1254 for the purpose of that marriage, are of themselves sufficient proof that he must have had ample means of knowing how town-representation worked in Spain before he made it an established part of the English constitution.

Civilisation acquired from the Spanish Moors.

The Spanish Christians, while slowly reconquering their country from the Spanish Moors, learned from those whom they subdued much of what we now term civilisation; but Italy and Sicily were pre-eminently

the countries where refinement, elegance, and social comfort prevailed, while coarse barbaric pomp and rude excess, mixed with squalid want and unseemliness, were the characteristics of even Court and castle life in the greater part of mediæval Europe.

Superior refinement and comfort of social life in Italy.

The chief commercial cities of Italy had now not only the brilliancy of civilisation, but the importance also of substantial wealth and power; and Venice, the chief of them, had become, before the close of the thirteenth century, one of the most influential states in Christendom. Genoa was her rival in commercial wealth and in maritime enterprise and energy. Pisa, also, though she finally succumbed to the superior resources of the Genoese, had an ample share of naval glory; and besides possessing, like Genoa and Venice, her factories in the East, was the mistress of the Balearic Isles, of Sardinia, and Corsica.

Power of the Maritime Republics of Italy.

The thirteenth century is remarkable in the history of European science and learning for the zeal with which universities were founded and frequented, and for the peculiar enthusiasm with which speculative philosophy and the art of logic were cultivated. It is generally considered that a great cause of this was the increased knowledge of the works of Aristotle, then acquired through translations from Arabic, and also the acquaintance which the scholars of Christian Europe formed with the original writings of the numerous Arabie metaphysicians, who had flourished in the highly civilised cities of Mohammedan Spain. Whatever may have been the cause or causes, the fact of this great outburst of love of learning is indisputable, and in no country was it more conspicuous than in England. The common story that Oxford in Henry III.'s time had 30,000 students is an obvious exaggeration. No such number could possibly have

Great intellectual activity shown in the 13th century.

Influence of Aristotle's writings, and of the Arabic metaphysicians.

Crowded state of English Universities.

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been lodged and boarded there. But it is certain that the amount was very large, and we have evidence also that a considerable concourse of students must have frequented Cambridge, which is generally supposed to have acquired numbers much later than Oxford.*

Causes of the thronging of the universities.

When we call to mind the costliness and consequent scarcity of books in that age, we shall readily understand this thronging of universities by all who sought to acquire learning. Oral instruction was, practically, almost the only available kind of education. This was

Lectures, how given.

given in two ways. One was by what we still call lecturing. The teacher (who was usually, but not always, a graduate in the University) gave commonly a reading on some one of the few, but well-known short standard works on logic, metaphysics, and theology then in existence. He added comments, distinctions, new views of his own, according to his ability and daring. We may be sure that the boldest and most paradoxical lecturers were the most popular. Besides having this opportunity of hearing and noting down lectures, the student was permitted and encouraged, (and if a candidate for a degree he was obliged,)

Disputations.

to enter into a war of question and answer, of thesis and objection, with the master, or with other students. In the last case the master presided as moderator.†

* See in the Rolls publication of Royal Letters of Henry III., vol. i. p. 386, the King's letter to the Sheriff of Cambridgeshire, ordering him to aid in repressing disorders "in villa nostra Kantebrigiæ ubi convenit multitudo studentum." There is another letter, at p. 388, in which the King rebukes the mayor and bailiffs of Cambridge for the exorbitant sums charged to the students for lodging. He says that, "Apud villam nostram Cantabrigiæ, studendi causa, e diversis partibus *tam cismarinis quam transmarinis* scholarium confluit multitudo." He orders a tariff of the rent of lodgings to be fixed by two Masters of Arts, and two true and lawful men of the town.

† Mr. Shirley justly observes of these disputations that "they brought into play those faculties of readiness, memory, and invention, without

The few books which a student possessed, or to which he could obtain access, were read, and re-read, were conned and learned by rote, in a spirit far different from the skipping, skimming temerity of modern scholarship. The appearance of a new book was then a rare event; but if the book was the work of a renowned doctor (and a man then usually got renown as a lecturer before he appeared as an author), its appearance was a great European event. It was felt and acknowledged before long (notwithstanding the difficulty of multiplying manuscript copies) in every university, in every cathedral, every monastery—nay, in every capital and Court in Central and Western Europe; for even they who could not understand could honour; and the high reverence paid to learned men by kings and princes* is one of the most favourable features of the age.

Books few, but well-read.

Honour paid to learned men.

A large proportion of the great English schoolmen, who during the thirteenth century and the next raised Oxford to as high a rank as Paris itself among European universities,† were members of the Franciscan

Renown of Oxford as a Divinity School.

Large numbers of

which the scholastic theology would have been of little use to the preacher, the missionary, or the popular controversialist." Monumenta Franciscana.

* The honours paid by the Emperor William of Holland to Albertus Magnus, and by the French King to Thomas Aquinas, are familiar instances. It may be observed that it is erroneous to suppose that the great schoolmen taught and wrote nothing that could be of practical use to statesmen and jurists. The treatise of St. Thomas Aquinas "De Regimine Principum" is one of the most valuable storehouses that we even now possess of the principles and cardinal maxims of Constitutional Law and General Jurisprudence. I have already alluded to the work of our great English schoolman, Bishop Greathead, on Despotism and Constitutional Monarchy, which seems to have been studied by Simon De Montfort.

† It is a little startling to read that of the two chief Universities in Christendom for the study of theology, the English University was looked on as remarkable for activity of imagination, and boldness, amounting to temerity, in subtle speculations, while Paris was marked by its solid and safe theology, and for its almost excessive deference to antiquity. See the quotations in the note to Mr. Shirley's Preface to the "Fasciculi Ziza-niorum," Rolls Collection, p. xlviii.

Oxford appears to have given in that age more advantage to poor and

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order. Mention has already been made of the institution of the two great orders of Mendicant Friars by St. Dominic and St. Francis, and of the services which they rendered to the Papacy. The Dominicans obtained a settlement in England in 1221, and soon had a conventual building of their own in Oxford, where many of them speedily acquired reputation for their learning, and for their influence as preachers. They soon had forty monasteries in this country, and the local name of "Blackfriars" still attests the extent and importance of their metropolitan establishment. Archbishop Kilwarby, who became Primate of All England in 1273, was an Oxford Dominican. He wrote many books; and seems to have dealt with logic, metaphysics, divinity, and several departments of physical science;* but he does not appear to have exercised much influence over the intellectual studies of his own or of other times. The rival order of the Franciscans became much more important in this country than the Dominican, both as to the number of its members and the high eminence acquired by many of them. We possess a curiously minute account of their first establishment here, written by an Englishman who must have been one of the first that joined them here.†

the Oxford schoolmen were Franciscan Friars.

Dominicans in England.

Archbishop Kilwarby.

First establishment of the Franciscans here.

Nine Franciscan friars, five of whom were laymen, were brought across from France to Dover on the 11th of September, 1226, their passage being provided for them as an act of charity by the monks of Fescamps. This was two years before the death of their founder,

needy students than they found elsewhere. See the letters of Adam de Marisco, ccxiv. and ccxv. in Mr. Shirley's Collection, Monumenta Franciscana, pp. 378, 380.

* Archdeacon Hale, vol. iii. p. 325, gives the title of his works.

† Thomas De Eccleston, Liber de Adventu Fratrum Minorum in Anglia, published by Mr. Shirley in the Monumenta Franciscana, in the Rolls Collection.

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St. Francis, and in the ninth year of Henry III.'s reign. In 1256 the number of the Franciscans here amounted to 1242, and they had 48 convents in various cities and towns of the kingdom. Before the same date they had their own school-buildings at Oxford, where the celebrated Robert Greathead, Bishop of Lincoln, by whom they were highly favoured, gave the first lectures. Under him (to adopt the narrative of the Franciscan chronicler, Thomas Eccleston,) the Franciscans "made incalculable progress in sermons and in subtle moralities suitable for preaching. The reputation of the English friars and their proficiency in study became so notorious in other provinces that the chief of their order, Brother Helias, sent for Friar Philip Waleys, and Friar Adam of York, to give lectures at Lyons. Friars were appointed to lecture at London, Canterbury, Hereford, Leicester, Bristol, Cambridge, and Oxford; and before Brother William of Nottingham ceased to be Provincial Minister in England [1250] there were thirty of our friars in England who habitually held solemn disputations, and three or four who gave lectures without holding disputations."*

Their rapid increase.

Their school at Oxford.

Bishop Greathead patronises them.

Their eminence in learning and in preachers.

St. Francis had discouraged study among his followers, though he preferred men of good position and education as his converts. But the friars, who became missionaries and preachers among the poor, and especially among the poor of the towns, or rather of the suburbs,† found the need of deep theology, in order to be able to preach with effect to the much-suffering, but acute classes, with which they were

The Franciscans, as "Preachers to the Poor," have special need of deep theology.

* Monumenta Franciscana, p. 37 and xlviii.

† There is great value in the remarks of Mr. Shirley in the 14th and following pages of his Preface to the Monumenta Franciscana on the state of the English towns and suburbs when the Franciscans settled here.

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brought into special contact.* Bishop Greathead, the great patron of the first Franciscans in England, strongly exhorted them to study. As we have seen, he gave them their first lectures, and at his death he bequeathed to them his library, which, for that age, was signally varied, large, and valuable. According to the strict institutes of their founder, the Franciscans could not possess books or any other kind of property whatever. This difficulty was evaded by property being conveyed to trustees (as we now should term them) to hold for the friars' use. But Franciscan students were sometimes impeded and harassed in their pursuit of knowledge by the bigotry of superior officers of their own order, who set themselves up as sticklers for the old discipline, and forbade the acquisition or the undisturbed use of books and scientific instruments by the laborious and solitary students.

Difficulty as to the possession of property.

How evaded.

Attention paid to experimental and physical science.

Far more attention was paid in the English Universities to experimental science during the thirteenth century than most of our modern writers on the mediæval times have acknowledged.

Duty of the Franciscans to attend the sick.

Here again the Franciscans were conspicuous leaders. A duty most earnestly enjoined on them by their founder was that of attendance on the sick. There was a general ignorance of medicine and surgery, when the Franciscan order was instituted; but the friars,

* I again refer my readers to Mr. Shirley's Preface to the Monumenta Franciscana, the whole of which merits attentive perusal. Especially just are his observations at p. xlviii., on the need which they who preach to the poor, especially to the town poor, have of the deepest theology. There is an eloquent and true passage to the same effect in Mr. Maurice's Ecclesiastical History of the First and Second Centuries. He too speaks earnestly and from practical knowledge of "deep theology for the poor." "The poorest, stupidest, wickedest man, that you can meet with, seeing he is a man, wants to know what he is himself, and what God is, and how he is related to Him. If you tell him less than that he will never be satisfied, and you have not fulfilled your commission. If you tell him that, you must go down to the very root of Theology."

besides being the most assiduous and skilful nurses, gradually acquired by observation and practice some valuable skill in the diagnosis and the remedies of diseases. This led many of them to scientific study. Franciscan Friars were much employed by the Popes and by the chiefs of their own order in missions to the remotest parts of Christendom, and even into pagan countries. They thus acquired much knowledge of languages, of geography, of natural history, and of the state of literature and art in other countries, both as to what had been preserved from antiquity and what had been newly discovered. All this augmented materially the power which the order gained in England in both Church and State, in general influence on society, and especially as teachers of both physical and speculative science. We shall see this brilliant condition of the Franciscans lamentably dimmed and changed when we come to the times of Wycliffe; but during the greater part of the thirteenth, and a considerable portion of the fourteenth centuries, they were the intellectual chiefs of an age, which, for philosophical and scientific activity and culture, was far superior to the character which is now commonly assigned to it.

They acquire medical knowledge.

Their employment in distant countries.

It is well known how the beauty and magnificence of the style of ecclesiastical architecture, commonly called the Gothic, was developed rapidly and almost suddenly in Latin Christendom, north of the Alps, in the latter half of the twelfth century, and how it continued to manifest itself in combinations of grace and majesty during upwards of 300 years. England, during the reign of Henry III., had its full share of architectural glory. Henry was fond both of literature and the fine arts generally; but the erection and adornment of cathedrals and other sacred edifices gave

Splendour of the ecclesiastical architecture of this age.

Its richness in England.

Henry III.'s love of the fine arts.

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special gratification both to his taste and his devotional feelings. He rebuilt Westminster Abbey, and Salisbury and Wells Cathedrals. York Minster received its north transept in his reign, and large additions and improvements were made to the Cathedrals at Lichfield, Worcester, Gloucester, Winchester, and Ely. Altogether 157 religious houses are said to have been erected during the half century for which he was king.

His especial fondness for ecclesiastical architecture.

This fondness for the fine arts, and the strength of his domestic affections, make up nearly all the merits of Henry III.'s character. His reign is usually slurred over in the study of English history; but if the annals from 1216 to 1272 are examined not solely with reference to the unattractive character of the reigning sovereign, we shall find them signally rich in the list of English worthies who figured in the course of this period. We have already had occasion to speak of the great Archbishop Langton, and of the great Protector, the Earl of Pembroke. We have noticed also De Burgh, of more chequered character morally as well as politically, but, on the whole, as soldier and statesman, a true and well-deserving Englishman. Simon de Montfort towers conspicuously among his contemporaries for political as well as military genius. Of his two great clerical friends, Robert Greathead and Adam Marsh, the first is by far the most celebrated. Robert, surnamed Greathead, was of humble origin, but he availed himself resolutely and successfully of the opportunities for study and for obtaining distinction, which the universities of the time offered to poor scholars. His great intellectual abilities, and his high principle and fearless rectitude, did more even than his learning to make him one of the chief men of his age, both in Church and State. He obtained his education

The worthies of England during an unworthy reign.

Archbishop Langton.

The Earl of Pembroke.

Hubert de Burgh.

Simon de Montfort.

Robert Greathead, Bishop of Lincoln.

A poor student at Oxford and Paris.

His renown for learning in the Universities and throughout Christendom.

partly at the University of Paris, but principally at Oxford, where his intellectual eminence was soon recognised with enthusiastic admiration. He was not only one of the greatest scholastic divines, but he was also among the very few men of his time who could and did study the Greek as well as the Latin classics in their original languages. His contemporary, Bacon, praises him for his mathematical and scientific acquirements. When raised to high authority, as Bishop of Lincoln, in the Great Council of the realm, as well as in the English Church, he opposed with unbending firmness the exactions which King Henry practised on the English of all classes, and those which King Henry's confederate, the Pope, practised upon the English clergy. The Bishop of Lincoln was De Montfort's constant friend and adviser in the earlier part of that statesman's career. Dying in 1254, he was prevented from witnessing, and perhaps moderating, its more stormy conclusion. Bishop Greathead did not limit his efforts against Papal rapacity to complaints and remonstrances from a distance. He appeared before the Pope himself in person at the Council of Lyons in 1245, and there read out before the assembled Council a manifesto which exposed and denounced in the strongest terms the abuses of the Papal Court and judicature. The last public act of the Bishop was one of the boldest and best. Pope Innocent IV., secure of the venal co-operation of Henry III., determined in 1252 to make a more sweeping grasp than ever had been ventured on before at the revenues of the Church of England. This was to be effected on the old plan of provisions, that is, by requiring the English bishops, deans, chapters, and other ecclesiastical holders of church patronage, to make provision for nominees of the Pope. These nominees were generally Italians,

His varied and profound knowledge.

His patriotic conduct as a Bishop.

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who bought their nominations from the Pope, or some of his chief officers.

The Bishop of Lincoln was one of the English dignitaries on whom the Papal demands were thus made. Innocent required him to induct an Italian boy, the Pope's nephew, Frederic di Lanegui, into a canonry of Lincoln. Greathead had in earlier days written in support of the Pope's supreme power in all such matters, though he dwelt vehemently on the awful punishment which the Pope individually would incur hereafter if he abused that power. But no theory would make the Bishop take part in an act that was palpably sinful. He took the distinction, that, though he was bound to obey all commands of the Apostolical See, he was thereby only bound to obey such commands as were Apostolical; and he maintained that he was showing his affection for the Pope, and his veneration for the Church, by not recognising as an Apostolical command an order which required him to join in an abominable sin, a sin most grossly opposed to the doctrines of the Apostles, and the Master of the Apostles, Christ Jesus. This letter roused in England the most enthusiastic zeal for the great English bishop, and was received by the Pope with indignation and fury. Such, however, was the Bishop of Lincoln's renown throughout Europe for learning and sanctity, that the Pope's advisers prevailed, though with difficulty, on their angry chief to refrain from the excommunication or other ecclesiastical punishment of a prelate so loved and reverenced. Bishop Greathead died soon afterwards; and, though never canonised by Rome, was believed, not only in England but abroad, to have died as he had lived, in the odour of sanctity.*

* Bishop Greathead was a strict reformer of abuses in his diocese, and was fearless as to incurring the enmity of the dissolute clerks whom he

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Adam Marsh.

Adam Marsh (or, in the Latinised form of his name, Adamus de Marisco) was the intimate friend and the corrected, and also that of many of his episcopal brethren, of many of the barons, and of King Henry, as well as of the Pope, all of whom he refused to gratify by instituting boys, absentees, and notorious profligates as beneficed clergymen. His friend Adam Marsh praises him in one of his letters [letter xxxvi. p. 138, in Mr. Shirley's publication] for his courage in becoming odious in so good a cause: "Pluribus cœpit copiis vestris militibus, et magnatibus præsentantibus, et domino regi, et etiam Curiæ Romanæ." But though encouraged and aided in his good course by Marsh, by Simon de Montfort and a few others, Robert Greathead found that the life of a conscientious bishop in those days was a hard one. He complains bitterly in his correspondence of the necessity that he is under of issuing formal episcopal rules "that his clergy shall not haunt taverns, or play publicly at dice, or engage in drinking bouts, or hire out their services for mass in noblemen's halls, among dogs and polecats, drunken flunkeys, ribald minstrels,—all sorts of abominations, in fact, social and physical. In vain he denounces the scandalous lives of monks and clergy; they set their diocesan at defiance, and shielded themselves behind exemptions purchased from Rome. Bishops engrossed in the secular occupations of chancellors, judges, commissioners, or ambassadors, or thwarted in their attempts to enforce discipline by the conflicting jurisdiction of king's court and papal court, or bewildered by the irreconcilable dicta of canonist and civilian, left matters to proceed as they would, with here and there only a noble exception. It was hard to punish the most flagrant transgression of morality, or check the grossest violations of justice and order in laymen or in clergymen, without incurring infinite trouble, annoyance, and expense." (Monumenta Franciscana, Mr. Shirley's preface, p. lxxxix.) But though vigilant and severe in repressing profligacy and disorder, Bishop Greathead was no fanatic or ascetic. His contemporaries praise him for his genial hospitality, and some of his sayings are recorded which show the spirit of his piety to have been that which is expressed in a maxim attributed to an English Prelate of later times, the maxim "Serve God, and be cheerful." Eccleston, the Franciscan friar, who was his contemporary, narrates that the Bishop told one of the Preaching Brethren, that "there are three things necessary for a man's bodily health; these are good food, sleep, and good humour." "He imposed as a penance on another friar who was noted for his gloomy manners and disposition, the task of drinking off a cup of first-rate wine, and when the melancholy man had reluctantly drunk it up the Bishop said to him, 'My very dear brother, if thou wert to undergo this penance often, thou wouldst have thy conscience in much better order.'" (Eccleston, De Adventu Minorum, p. 64, Mr. Shirley's publication.) In thus exhorting his Franciscan friends to cheerfulness the Bishop followed the example of their founder, of whom we read that "He was a great advocate for cheerfulness, saying that it was the sign of a clean heart, and a great defence against the devil. 'Why,' said he to one of his friars, 'why do you wear that sad and gloomy countenance because of your offences? It is enough that your sorrow should be known between you and your God. Pray for his mercy to spare you, and restore that cheerfulness to your soul which you have lost by your own demerits.'" (Monumenta Franciscana, p. xxxiii., n.)

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His correspondence with Greathead and De Montfort.

His eminence as a schoolman, a classical and mathematical scholar, and as a statesman.

sharer of the counsels and labours of Bishop Greathead, and he was also the valued adviser of Simon de Montfort. The recent publication of his letters to this great man, and to other important persons of that age, will go far to restore Adam Marsh to his merited rank in the history of this reign. He was the "Doctor Illustris" of the schoolmen of the age; and we also have the unexceptionable testimony of Roger Bacon that he was well acquainted with the classics, and a good mathematician. He was educated at Oxford, and had taken holy orders for some time before he became a Franciscan. He was among the first teachers in the Franciscan school at Oxford; but his labours as a scholar and a lecturer, though assiduous, formed part only of the duties which he discharged. He was often employed in affairs of Church and State, both in England and abroad, by the King and by the Archbishop of Canterbury. He frequently accompanied and aided Bishop Greathead, when engaged in similar missions. His intimacy with the great Earl of Leicester, and the frankness with which he advised and cautioned him, have already been alluded to. His co-operation with the Bishop in withstanding the aggressions of the Pope was cordial and unflinching. There is a document among his letters in which the duty of disobeying and resisting the Pope, if the Pope's commands are evil, is inculcated as boldly by Marsh as it was by Greathead. As both these great English churchmen assumed and acted on the right of judging for themselves what Papal commands were to be obeyed as Apostolical, and what Papal commands were to be resisted as evil, we see surely here the germs, and something more than the germs, of Protestantism.*

His opposition to the Pope.

* See Ad. de Maris. Epist., p. 384 of Monumenta Franciscana. The concluding words are emphatic. "Breviter recolligens dico Apostolicæ Sedes

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Roger Bacon.

The remaining great name of this epoch, that of Roger Bacon, has been more adequately honoured in modern times. This has been the case especially during the last half century. The spirit of scientific research and experimental philosophy, which has been so active among the English of the present and the last two or three generations, has made them look with reverence on the memory of the old Franciscan friar, who six hundred years ago appears to have had a foreknowledge of gunpowder, steamboats, locomotives, telescopes, balloons, suspension-bridges, and other products of modern art.*

Increased reverence for him during the last half-century.

His Pisgah views of the dominions of modern science.

There is pathos as well as prophecy in Roger Bacon's own words respecting science: "The wise men of the present day are now ignorant of many things which hereafter shall be known to the very mob of learners."† His own gleams of what was afterwards to be common sunshine may not have been always very clear, but they are very marvellous. Still more remarkable are his principles why men should study, and how they should study. He boldly denounced the excessive influence of authority, and the excessive influence of custom, as two of the four great impediments to the acquirement of knowledge. The

His principles of reasoning.

Sanctitatis non potest nisi quod in ædificationem et non in destructionem. Hæc est potestatis plenitudo, omnia posse in ædificationem. Hæ autem, quas vocant provisiones, non sunt in ædificationem sed in manifestissimam destructionem. Non igitur eas potest beata Sedes Apostolica."

Mr. Shirley suggests (see his Summary of Contents, p. cxxxii) that this document is a report by Adam de Marisco of a speech delivered by the Bishop in the Council of Lyons against Apostolical Provisions. Even if so, it is clear that Marsh adopted, though he may not have originated, his friend's opinions on the subject.

* See note to Mr. Blaauw's Barons' War, p. 170, and the passages from Bacon there quoted.

† "Multa enim modo ignorant sapientes, quod vulgus studentium sciet in temporibus futuris." I am again indebted to Mr. Blaauw for this extract.

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other two were a readiness to be content with appearances as they present themselves to the vulgar eye; and, lastly, the abundance of half-taught teachers, who tried to hide their own real ignorance beneath a parade of pretended science. Bacon's position as a Franciscan friar may have favoured his early researches in physical science; but when he became eminent for his discoveries he experienced discouragement and persecution from the ignorant chiefs of his own order. The charge of working wonders by the aid of the devil was in that age, and long afterwards, a fearfully formidable accusation; and it was used with grievous effect against Roger Bacon. His studies were impeded; the publication of his discoveries was thwarted. He was imprisoned in the dungeon of one of the convents of his order at Paris, for at least ten years, and it is not certain whether he ever regained his liberty; though he appears to have either been removed by his superior, or to have been allowed to return from Paris to his own University for about a year before his death at Oxford in 1292.

Effects of his position as a Franciscan friar.

The persecutions undergone by him.

CHAPTER XIII.

Proclamation of Edward I. in his absence—His public and private character—His adventures in the East, and on his return to England—His coronation—His legislation and reforms—Justice of his wars with the Welsh—His conquest of Wales—Feudal relations between the Scottish and the English Kings—Vacancy of the throne of Scotland—The competitors for it — Edward called in as arbitrator — He acts as Lord Paramount—Equity of his proceedings—The crown adjudged to Baliol —Troubles with France—The Scots attack England—Edward conquers Scotland and assumes the government—Uprising of Wallace—War between England and France—Wallace drives the English out of Scotland and invades England — Barbarities committed by him — King Edward defeats Wallace at Falkirk — Scotland reconquered — Wallace captured, tried, and executed—Bruce renews the war and is crowned king of Scotland—Death of Edward on his march against Scotland—Constitutional history of Edward's reign—His high merit as a legislator —His policy towards the Church and the Pope—State of England at the close of his reign.

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EDWARD I. was born on the 18th of June, 1239, at Westminster. He was thirty-three years old when the English swore fealty to him, on the death of his father, King Henry III. He had already, while prince, and while acting in behalf of his weak father, gained more real experience of affairs of state, of parties, of factions, of popular assemblies, and of wars, than often is acquired by sovereigns after reigns of many years. His personal appearance was commanding; and, while young, he was conspicuous for the beauty of his fair complexion and for his flowing flaxen locks. He was lofty in stature, and so remarkable for length as well as strength of limb, that he is often termed Edward Longshanks by the old writers. In knightly accomplishments, such as horsemanship, and the use of his

Edward I. proclaimed king, Nov. 20, 1272.

Already an experienced statesman.

His personal advantages.

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weapons, he almost approached the renown of his great uncle, Cœur-de-Lion, whom, however, he far surpassed in the higher qualities of a politician and a king. In 1254 Edward had married at Burgos, in Spain, Eleanor, the daughter of King Alfonso of Castile. Few marriages either of royal or private personages have been more productive of happiness than was this union; and throughout his long life Edward's character as son, as husband, and as father was without a stain.

His marriage.

Purity of his domestic character.

Eleanor accompanied her husband in the expedition conducted by him in 1269 to the Holy Land; and while there she is said to have saved his life by an act of devoted love, which a writer of her own nation has recorded. Edward's prowess in the field had made him the terror of the Saracens, and a Mahometan fanatic resolved to rid his countrymen of the Christian champion by assassination. Pretending to be a messenger, he obtained access to the Prince's private tent, and wounded him in the arm with a dagger which was believed to be poisoned. Edward hurled him to the ground, and struck him dead with a chair which he caught up; but there was cause to dread that, though the wound given by the dagger was slight, the poison might spread fatally through the frame, and Eleanor instantly applied her lips to the injured arm and sucked the blood until the surgeons were in readiness and pared away the sides of the wound.*

Queen Eleanor's heroism.

The poisoned dagger.

The force which Edward headed in Palestine was numerically small; but he obtained some important

* The chief reason why modern writers discard this story is because it is only met with in a Spanish chronicle. But Eleanor was a Spaniard, and doubtless had Spanish attendants. It seems natural enough that they should remember and narrate what their mistress had done, and that a Spanish writer should record his countrywoman's heroism, though neglected by the English.

advantages for the Christian cause. He relieved the fortress of Acre, which had been on the point of capitulating to a Saracen army. He gained also two victories in open field; but the large French army which St. Louis had led to Africa, and which was intended, after conquering the Mohammedan territories in that continent, to co-operate with the English in Palestine, perished miserably near Tunis. Edward, finding his own resources insufficient for permanent conquest in Syria, gladly accepted a truce for ten years which the Sultan offered, and then departed for Europe, having thus gained a long respite for the surviving remnants of the Christian power in Palestine. He was in Sicily when he received the tidings that his father was dead, and that he himself had been peaceably proclaimed and acknowledged as King of England. He travelled slowly through Italy and France, pausing to arrange the affairs of his territories in the south of France, and his relations with the new French king and other continental potentates. During this period he received a challenge from a Burgundian nobleman, the Count of Chalons, who was much celebrated for his strength and skill in arms, to meet him at a grand tournament. Edward received a warning from the Pope that this challenge was sent out of personal enmity, and not out of knightly emulation, and the English King was strongly urged not to expose his life to those who thus were seeking it. But Edward thought that his honour was involved, and on the appointed day he appeared on the ground at the head of a thousand English champions, some on foot and some on horseback. His adversary encountered him with a force of two thousand, and the contest became an actual battle. The Burgundian followers of the Count of Chalons were confident of overwhelming the

Ed[illegible] expl[illegible] Palest[illegible]

His return to Europe.

The tournament and skirmish with the Count of Chalons.

English by superiority of numbers, and had been dicing over their wine-cups for the arms and horses of their expected captives. But Edward's band drove them from the field, after a severe and sanguinary struggle, in which the English archers were conspicuous for their prowess. The Count of Chalons charged King Edward in person during the battle. The lances shivered without either of the antagonists being wounded or overthrown, and then the Burgundian Count forced his horse close alongside the English King, and, grasping Edward by the neck, strove to drag him from the saddle by mere strength and weight. But here Edward's length of sinewy limb gave him the advantage over his more burly antagonist. Sitting firm as a rock, King Edward gave his own steed the spur, and, as the charger bounded forward, the sudden wrench threw the Burgundian to the ground. King Edward refused to accept his proffered submission, and chastised him for his unknightly conduct by blows with the butt of his broken lance, till the proud Count had the humiliation of giving up his sword to one of the English yeomen.

Valour of King Edward.

Edward landed in his kingdom of England on the 2nd of August, 1274, and was crowned at Westminster fifteen days afterwards. His first cares were directed to the most noble of kingly duties, that of improving the laws and the administration of justice in his realm. He convened a parliament at Westminster in February, 1275, at which was passed the celebrated statute of Westminster the first, a statute which is of itself sufficient proof of the discerning and comprehensive mind of its royal framer. This statute (to borrow the language of one of our lately-departed great lawyers*), "Deserves the name of

Edward lands in England.

His coronation.

His law reforms.

Statute of Westminster 1st.

* Lord Campbell.

a Code," as it provides generally but effectually for the correction of abuses and for the supplying of defects.

It has rightly been considered important* to observe the words in the statute-book by which this great legislative measure is introduced. They show Edward's desire to associate with himself in the work of legislation the whole people of the realm; not merely the prelates and nobles, but the commons also. The statute is declared to be "ordained by the King at the First Parliament General after his coronation, by his council, and by the assent of archbishops, bishops, earls, barons, and all the commonalty of the realm, thither summoned." It is also perfectly clear that this great remedial measure was not wrung from the King by the demands of any party or class of the nation, and that it was not bought from him by any grant of money. It was initiated by Edward of his own royal will; and it was by him as freely as it was wisely given to his people.

This great legislative work, and other measures for the improvement of the internal government of the realm, chiefly occupied the two first years of Edward's reign after his arrival in England. In 1277 he was engaged in the first of his wars against the Welsh. The causes and the character of these wars have been much misrepresented by many modern writers; and they require our careful attention.

Commencement of his wars with the Welsh.

The princes or kings of Wales had been vassals and tributaries of the kings of England, as early as the reign of Athelstan. There had been many wars, in which the Welsh endeavoured to throw off and the English to strengthen these bands of allegiance; but

True character of those wars. Edward's conduct perfectly just.

* "Greatest of the Plantagenets."

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at the commencement of Edward's reign no one disputed that he as King of England was Lord Paramount of Wales; and that Llewellyn, the then prince of that country, was bound to pay homage to the new occupant of the English throne, and to appear on proper summons at the English court. The position of the King of the Scots with regard to the Sovereign of England will soon require elsewhere our especial examination. For the present it is sufficient to observe that both the Scottish king and the Welsh prince were summoned to Edward's coronation, that the Scottish king attended, but that Prince Llewellyn stayed away, alleging as an excuse for his absence the danger of a journey to London, in consequence of the enmity between him and some of the English nobles.

Llewellyn, the Welsh prince, practically refuses due homage to Edward.

Edward offered to come himself to Shrewsbury, and there receive the homage, which was not denied to be due to him. On this being objected to, he offered to come to Chester, which was still nearer to the Welsh district of Snowdon, where Llewellyn usually resided. At the same time Edward sent his own safe conduct for Llewellyn's journey and return. The Welsh prince affected to treat this as insufficient; and required that some of Edward's chief nobles should be sent to Wales as hostages. Other summonses which were sent to Llewellyn in 1276 were equally fruitless; and it must have been clear to all that Llewellyn's real design was to detach himself altogether from his tie of allegiance to the English throne.

If this contumacy had been submitted to, it would have formed a strong, and perhaps conclusive precedent for the future against the rights of England as the dominant country; and the English King and the English people of that time were imperatively called on to assert those rights by deeds as well as

words, unless they were willing to abandon the national honour and to weaken the national power. They did their duty to themselves and to their posterity. At a parliament held at Westminster in 1276 sentence of contumacy was passed against Llewellyn; and in another parliament, soon afterwards convened, a large grant of money was voted to the King for the suppression of the Welsh rebellion.

The English parliament vote Llewellyn to be contumacious.

The Welsh had often beaten back English armies that had advanced along the difficult passes of their wild and mountainous country; but Edward's strategy was like that of Harold, when that Saxon chief conquered Wales in the time of Edward the Confessor, and it was equally successful. A large English fleet sailed round to the Welsh coast and co-operated with the land forces of the King. Skilfully and cautiously the English lines and fortified posts were drawn closer and closer round the receding Welsh; and famine did the work of conquest far more surely than the sword. Many of the Welsh princes, among whom was Prince David, Llewellyn's own brother, submitted to the King of England, and fought under him against their countrymen, who still resisted. At last Llewellyn begged for peace. Edward granted it, on conditions of the Welsh prince ceding some territories between Chester and the Conway, doing homage to the King of England at Rhuddland and at London, and paying a sum of money—a payment which Edward soon afterwards remitted. In the following summer the Welsh prince was married at Worcester to Eleanor de Montfort, Edward's cousin, the daughter of the late Earl of Leicester. This lady had been captured by an English cruiser while on her way by sea to Wales, and Edward had refused to deliver her up to Llewellyn, during the disputes and hostilities between them.

Skilful warfare of Edward against the Welsh.

Llewellyn sues for peace.

CHAP. XIII.

1282.

Sudden and treacherous attack of the Welsh upon the English.

More than four years had passed away, during which Wales appeared to be tranquil, when suddenly, at the Easter of 1282, tidings came to King Edward, who was keeping that festival at Devizes, that the Welsh had suddenly attacked the English in their vicinity on the Palm Sunday previous. Hawarden Castle had been surprised by Prince David, and the garrison put to the sword. Other bands of the Cambrian mountaineers were overrunning Cheshire and Herefordshire with fire and sword, and were outraging and slaying the surprised and defenceless English inhabitants without mercy to sex or age. The indignation of Edward at this treacherous and savage attack must have been increased by the fact that Prince David, who was the chief leader in it, had been treated by him with marked personal favour and generosity. After the conclusion of the war of 1277, David had followed King Edward to the English Court, had received large grants of English land, and had been raised to the rank of an English nobleman. King Edward prepared vigorously for the new war when forced on him; but first he sent the Archbishop of Canterbury to persuade Llewellyn to make submission. It is possible that he may at first have thought Llewellyn not responsible for the acts of his brother, with whom he had always been at variance. But the Welsh prince rejected the proffered opportunity of averting his ruin, and committed himself and his principality to the chances of a war, which all must have felt would prove decisive as to the future fate of Wales.

War renewed: Llewellyn killed in battle.

The resistance made by the Welsh to the English fleets and armies was skilful and obstinate, until Llewellyn was killed in battle with an English detachment on the 11th of December, 1282. Edward dis-

graced the victory which his troops had gained, by sending the head of the fallen prince to London, where it was set up over the Tower with a crown of ivy or willow on it, in brutal ridicule of a supposed prediction of Merlin that a Welsh prince should be crowned in London. When Llewellyn's death was known, the other leaders of the Welsh, except Prince David, eagerly made their submission to Edward, who treated them with lenity. David alone held out; and succeeded for some months in evading the pursuit of the English. At last he was betrayed and captured by his own countrymen. Edward refused to see him, and ordered him to be tried before a parliament, which met at Shrewsbury on the 30th of September, 1283. By them he was convicted and sentenced to death, as a traitor to the King who had ennobled him, and as the murderer of the English gentlemen taken in the Castle of Hawarden. The sentence directed that he should be drawn, hanged, disembowelled, and quartered, as the form of punishment for treason then prescribed, and which continued to be part of the English law until three reigns ago. This punishment is now justly regarded as horrible and barbarous. But it was not invented by Edward I. Similar punishments had been inflicted in this country before: and judicial tortures of far more revolting and cruel character were common spectacles in other countries of Christendom long before, and long after Edward's time. The execution of David was the only act of severity accompanying the conquest of Wales. The supposed massacre of the Welsh bards is a mere poetical fable.

Prince David continues the war.

He is captured, tried, condemned, and executed.

Wales was now completely under English dominion, and the King wisely and rightly determined so to retain it. For more than a year he was chiefly occupied in securing his military power over the princi-

Measures for securing Wales, and for civilizing the Welsh.

CHAP. XIII. 1284-90.

pality by the erection of strong and well-placed castles; and he also laboured to improve the civilization of his new subjects by ameliorating the laws in force among them, and by establishing mercantile corporations in their principal towns. It was during this period of his reign, on the 25th of April, 1284, that his son, who afterwards succeeded him as Edward II., was born in Wales, in the new royal castle of Carnarvon, whence that unhappy prince took his surname.

Peaceful period between the Welsh and the Scottish war.

For a period of nearly eight years, between the reduction of Wales and the disputes as to the Scottish succession, Edward's dominions enjoyed peace both from foreign enemies and from domestic insurrections or seditions. Many great legislative improvements were effected by Edward in this time; nor had he, indeed, neglected this part of his royal duties during the three years which preceded the second Welsh war.

Edward's merits as a reformer and an ordainer.

It will be more convenient to consider Edward's merits as a legislator when we have reached the end of his reign; but it is proper to point out that he was actively engaged as an ordainer and reformer of our civil institutions throughout the sixteen years which passed between his coronation and the commencement of what has been called his attempt to conquer Scotland. Some modern writers describe Edward as having from the very period of his accession made the subjugation of the whole of Great Britain the great aim of his life and reign: and his remedial legislation is spoken of as having been wrung from him by his subjects as the condition on which they voted him the money necessary for his ambitious designs. The truth is, that eighteen years from his accession, sixteen from his coronation, and more than seven from the complete acquisition of Wales passed away without his inter-

fering in the least degree in the affairs of Scotland; and by far the most important of his legislative acts were accomplished by him in times when he was under no pressure, that could possibly make him seek to sell either law or justice for taxes or for subsidies.

It is not, however, to be supposed that Edward's administration of the domestic government of his realm was without blemishes. There are especially two instances of injustice and false policy, which prove that he could not in all respects show himself superior to his age. The royal prerogative of coining money and regulating the pecuniary standards of value was in those times, and in much later times, understood by kings and their ministers to give the sovereign a right to relieve himself from pecuniary difficulties by debasing the coinage, and so compelling his debtors, and the debtors of others, to accept the depreciated money, as if it were of the same value as the coinage of the same name had been at the time when the debts were contracted. Edward was guilty of this iniquitous and mischievous practice, though to a far less extent than was often the case in those ages. He also displayed the bigotry and oppressiveness which then prevailed throughout Christendom towards the unhappy race of the Jews. The Jews were treated in England, as in many other countries, as beings destitute of political or social rights, and as almost beyond the pale of humanity. The apparent protection given to them by some Acts of State, which deal with them as being under the special patronage of the Crown, meant in effect nothing more than that the King was to have a monopoly of persecuting and plundering them. The annals of the reigns of Henry II., of Richard, and of John are full of instances of atrocious cruelty towards this long-suffering race; some-

The debasing of the coinage.

Expulsion of the Jews.

CHAP. XIII. 1284-90.

times caused by popular hatred and fanaticism, but more frequently by royal avarice. Henry III. sold all the Jews in England to his brother, Earl Richard of Cornwall, for 5000 marks. At another time they were sold to Edward while Prince, who resold them to some merchants of Dauphiny. After Edward became King, they were subjected to several harsh exactions and oppressive laws; and at last, on the 12th of January, 1290, the King and his Parliament ordained their total expulsion from the realm. The popular hatred against this afflicted people aggravated the cruelty with which this edict was enforced. All their property, their claims, and mortgages, were forfeited to the Crown; and for four centuries and a half the Jews were a banished race from England.

Such conduct was deemed meritorious in a Christian king in those days; but it was not to such conduct only that Edward owed his high reputation among the rulers of Christendom. The brilliant renown, which his chivalrous exploits had gained for him in his youth among his contemporary princes, was raised still higher by the general success and splendour of his reign. Charles of Anjou, who was the French king's brother, and Peter King of Arragon selected him as umpire of their contest for the crown of Sicily, which they at first proposed to determine by single combat in his presence,—a mode of trial which Edward refused to sanction; but he endeavoured vainly to terminate their difference by pacific arbitration. Up to 1290, Edward's royal life was one of almost unchequered prosperity. In the November of that year he suffered the heavy calamity of the death of his Queen Eleanor, who had been the sharer of his youthful journeyings and perils, and with whom he had lived on terms of the fondest affection for six-and-

European renown of Edward.

Death of Queen Eleanor, 1290.

thirty years. The Queen died at Hornby, near Lincoln. One proof of Edward's deep sorrow for his loss, and of his regard for her memory, was given in the unusual magnificence of the funeral honours paid to her. At each halting-place of the mourners and attendants, who conveyed the body from Hornby to Westminster, a richly-sculptured cross was erected, to claim the recollections and the prayers of passers-by in after times.* The name of Charing Cross still attests the spot where Queen Eleanor's remains were temporarily deposited for the last time, at the place which was then the little village of Charing between London and Westminster. CHAP. XIII. 1290.

The affairs of Scotland.

We now come to the much disputed, and often misrepresented subject of Edward's treatment of the rival claimants for the crown of Scotland, and of his own assertion of right to the sovereignty of that kingdom, during the latter part of his reign. Little has hitherto been said in these pages about the position of the Scottish kings relatively to the kings of England; but it is now necessary to devote some space to the consideration of this, and of other topics connected with Scotland, inasmuch as henceforth we shall find the histories of the two kingdoms almost continually intermingled.

We have already remarked that the northern part of the island obtained the name of Scotland from tribes that came over from Ireland, and gradually prevailed over the Picts and other races, which had previously struggled with each other for ascendancy in North Britain.† A Saxon population was at an early

* The fact that Queen Eleanor directed in her will a cross to be set up, wherever her funeral procession halted, does not nullify the evidence of her husband's affection for her, which was shown in the magnificence of the funeral honours which were paid to her.

† *Supra*, pp. 52, 71.

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1290.

period established in the regions that now are called the Lowlands. The kings of the Scots obtained possessions there; and by intermarriages and other causes the use of the Saxon language and the influence of institutions resembling the Anglo-Saxon became predominant in the Scottish royal family and in the Scottish court. Most of these southern possessions of the Scottish kings (as, for example, the Lothians) were held by them confessedly as territories, which formed part of the regal dominions of the Anglo-Saxon kings of England, and in respect of which the Scottish kings were subjects of the English sovereigns. The more powerful of the Anglo-Saxon kings, such as Edgar, claimed to be sovereigns of the whole island, and treated the Scottish kings as their vassals absolutely, and not merely as princes, who were dependent on the English crown in respect of their southern possessions, but who were independent of it in their capacity of kings of the Scottish nation.

Old population of Scotland.

Southern Scotland Saxonized.

The Scottish kings tenants under the English kings of the Lothians and other districts.

Paramount sovereignity over the whole island claimed by the English kings.

The effect of the Norman conquest was to drive great numbers of Anglo-Saxons from southern and central as well as northern England to seek shelter in the territories possessed by the Scottish kings; and the disputes among the victorious Normans caused many men of Norman race to migrate in the same direction. These new-comers found ready welcome, and liberal grants of land from the Scottish kings: and the Scottish nobility (exclusive of the chieftains of the Highland clans) became almost as largely tinged with Norman blood as the nobility of England. Many Anglo-Norman families (including those of Bruce, Baliol, and Comyn) held large estates both in England and in Scotland; and before the wars of the fourteenth century the distinctive feeling of Scottish nation-

Effects of the Norman conquest: Scotland becomes more Saxonized, and its upper ranks are Normanized.

ality, as opposed to English, cannot have existed in the same vehement degree which it afterwards attained.

Claims of the Anglo-Norman kings to Paramount sovereignty over Scotland.

The Anglo-Norman kings on the whole exacted quite as ample an amount of homage and of acknowledgment of subjection from the Scottish kings, as had been rendered in the Anglo-Saxon times. But the matter continued to be a debateable and debated one. A detailed examination of it would far exceed the limits of this book; and I think it is fairly summed up by Lingard, when he says that the "real fact in [his] opinion is, that the Scots, as the weaker people, were on many occasions compelled to submit to their more powerful neighbours—that their kings often did homage for their crowns, and as often took the advantage of a disputed succession or a civil war to re-assert their independence—and that, while the kings of England on the one part constantly advanced their claim of superiority, the kings of Scotland on the other were careful to elude or deny it as often as they durst."

It was an open question.

Each party might honestly believe itself in the right.

I could indeed go further, and state that the balance of my own opinion is in favour of the English claims; but I should feel it right to add that the controversy, when brought to a practical issue in Edward I.'s time, was one in which each party might honestly believe itself to be in the right. Those among the Scots, who opposed Edward really out of regard for their country's rights, are not chargeable with wilfully rebellious disregard of feudal obligations; and certainly, on the other hand, Edward ought to be absolved from the charges so hotly and so persistently made against him by historians of Scottish race, that his conduct towards Scotland was caused entirely by his unprincipled ambition, and his rapacious cruelty and injustice.

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Relations between Alexander III. and Edward.

Edward had claimed and received homage from Alexander III., King of Scotland, when that Prince attended Edward's coronation in 1274. The ceremony was repeated in 1278, a form of words being then used which, while it left it an open question for what lands Alexander was doing homage, clearly stated that he, in the character of King of Scotland, became Edward's liegeman, and expressly asserted, on Edward's part, the right of the English king to exact homage from the Scottish king in respect of the Scottish kingdom. The two countries were on friendly terms throughout the rest of Alexander's reign. On the sudden death of that king in 1286, only one lineal descendant of the ancient Scottish royal family survived. This was Alexander's grand-daughter, Margaret, a child of three years old, who at the time of his death was in Norway. The Scottish nobles, at a meeting of the Estates of their realm, determined to ask Edward's counsel as to what course they should pursue regarding the government of their country. He gave them the honest and perfectly disinterested advice to choose a regency from among themselves, and to carry on the government in young Queen Margaret's name. Afterwards a treaty was concluded for the marriage of Margaret to Edward's young son, Prince Edward of Carnarvon. This marriage would have peaceably accomplished the union of the two realms; and it has not been imputed to Edward that he sought to take any unfair advantage of the Scotch in the preparation of this treaty. But this wise and hopeful project was defeated by the death of the young Queen Margaret, while she was on her voyage from Norway to Scotland in 1290.

Death of Alexander.

Edward's advice asked by the Scottish nobles.

Fairness of his conduct.

Death of the young Queen Margaret.

Claimants for the crown of Scotland.

Thirteen claimants for the crown of Scotland now came forward; but it was evident that the right to

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the succession was in the descendants of Earl David, the brother of King William of Scotland, and great uncle of King Alexander III. Earl David had left three daughters. John Baliol was the grandson of the eldest daughter; Robert Bruce was the son of the second daughter; and John Hastings was the grandson of the third daughter. Both Baliol and Bruce were English as well as Scottish nobles and landowners; but Bruce was of the two the more decidedly English in education, connections, and in the main circumstances of his life. He had fought in early youth by Edward's side at the battle of Lewes, where Bruce was taken prisoner. He had distinguished himself in the courts of Westminster as a student and as a practitioner of the English law. He had been an English Judge, first as a Puisne Judge, and afterwards as Chief Justice of England; and his son, the Earl of Carrick, had been Edward's comrade in the Holy Land, and stood high in Edward's personal favour.

Baliol and Bruce.

Bruce more English than Scotch.

Bruce, Baliol, Hastings, and the nobles and prelates of Scotland generally, agreed to call in King Edward to determine the question who should succeed to the crown of Scotland. Edward took on himself the office; and, on the first meeting of the disputants, he distinctly informed them, and the other Scottish nobles, that he did so as Lord Paramount of Scotland, and by virtue of the superior rights of the English crown. This was at Norham, on the English side of the Tweed, on the 10th of May, 1291. If Edward had not on this occasion asserted his rights as Feudal Superior, and if he had admitted that his authority to arbitrate in the matter came only from the consent of these parties (as in the recent case when Charles of Anjou and Peter of Arragon had called him in to settle their disputes), he would have abandoned the

King Edward made arbitrator.

He asserts his right as Lord Paramount.

Wisdom and fairness of his conduct.

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1291.

rights of the English crown, which he believed to be well founded, and which it was his duty to maintain. There was no surprise or fraud practised upon the Scottish nobles at Norham, as some late writers of that nation have asserted or insinuated. Edward put to them, in the first instance, the question whether they acknowledged him as Lord Paramount. On their asking for time to deliberate before they answered, he adjourned the assembly for three weeks, thus giving them ample time to prepare to support by arms a denial of his supremacy, if they were minded to deny it, and if they had any reason to suspect an intention on his part to employ force against them. In the beginning of June they returned to Norham, and there Bruce was the first of them all explicitly and unreservedly to profess his readiness to abide by such decision as should be made by King Edward, as sovereign lord of Scotland. The others did the same; though Baliol delayed his consent till the following day. Edward then proceeded to the appointment of a mixed council of Scots and Englishmen, before which the rival claimants were to produce their proofs. To ensure the delivery over of the kingdom to such claimant as he should adjudge it to, the royal castles of Scotland were placed in his possession, and the military tenants of the Scottish crown took an oath of fealty to him as their superior lord.

Bruce and the other claimants acknowledge Edward as their Suzerain.

A council appointed to investigate the claims.

The Scottish castles placed in Edwards possession.

Oath of fealty to Edward taken.

After several meetings of this council, and after intermediate reports on questions that arose during the investigation of claims, the final adjudication took place at Berwick-upon-Tweed in November, 1292. The English parliament and the assembled nobles and prelates of Scotland, as well as of England, were there. The first decision was on the general question whether the lineal descendant of the eldest sister in

Adjudication on the claims.

a more remote degree was preferable to the lineal descendant of the second sister in a nearer degree. This was resolved in the affirmative; and the resolution established the superiority of the claim of Baliol over that of Bruce to the whole inheritance. But Hastings, the descendant of the third sister, now came forward, and urged that the inheritance ought to be divided between the representatives of the three sisters. Bruce joined Hastings in this demand for a partition of Scotland; and, certainly, if Edward had been actuated by the selfish and ambitious feelings imputed to him, he would have been ready to acquiesce in Bruce and Hastings' requisition, and so, by dismembering the coveted kingdom, to make it an easy matter for himself to seize and appropriate its severed and weakened portions. But the English king again followed the just and legal opinion expressed by his council, that the kingdom was indivisible; and on the 17th of November he gave final judgment, that John Baliol should have seisin of the kingdom of Scotland, with reservation always of the right of the king of England, and of his heirs, when they think proper to assert it.

The crown adjudged to John Baliol.

On the following day Baliol swore fealty to Edward; and again, after Baliol's coronation at Scone, as King of Scotland, on the succeeding St. Andrew's Day, he did homage to King Edward at Newcastle.

John Baliol crowned.

The castles which had been in Edward's possession during the arbitration were promptly delivered up by him to Baliol. Edward did not seek to retain any of them as what would be now called "material guarantees" of Baliol's fidelity to him as Lord Paramount; nor throughout this memorable Crown trial is there the slightest trace of unfairness or rapacity on the part of the English king.

The castles given up to him.

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1293.

If the unusually long peace between England and France, which had been maintained during the first twenty years of Edward's reign, had not been broken in the latter part of that reign by the French King Philip the Fair, the Scots would probably have continued to submit to be governed by Baliol as Edward's vassal, and Baliol himself would not have disputed Edward's feudal prerogatives. But in 1293 a quarrel between some English and French sailors at a port on the coast of Gascony led to a succession of sea-fights between the mariners, who were respectively the subjects of the two sovereigns. Edward attempted to put an end to these scenes of violence and to adjust all differences by negotiation. Philip alleged that Edward's Gascon subjects had been especially active and prominent in the infliction of the injuries and insults which the French had received: and Philip required that Edward, who, as Duke of Aquitaine, was his vassal, should satisfy the offended honour of the French crown by placing the royal castles in Gascony temporarily in Philip's hands. Philip promised to restore them when this concession to his dignity as Lord Paramount had been made. Edward supposed that the French king's royal word was as worthy of credit as his own. He himself as Lord Paramount of Scotland had lately taken temporary possession of the Scottish royal castles, and he had given up that possession when the temporary purpose was over. Fully trusting that Philip would do the like, he ordered that French troops should be permitted to occupy the Gascon strongholds. But Philip, when he once had the coveted province in his power, laughed to scorn all Edward's demands for its restoration, cited Edward, as Duke of Aquitaine, to appear in the royal court at Paris, and pronounced

A renewal of war between England and France instigates Scottish opposition to Edward.

The French king gets fraudulent possession of Edward's castles in Gascony.

Aquitaine to be forfeited to the French crown for its Duke's contumacy. CHAP. XIII.

Edward prepared himself with becoming spirit to exact redress for a wrong so serious, accomplished with so much perfidy, and accompanied by such insult and derision. But an insurrection of the Welsh detained him for a time from his intended expedition against France. Edward was obliged to head his armies against the Welsh in person, and when he had thoroughly put down the revolt in the west of the island, and was preparing his armaments for the recovery of Gascony, he received tidings of movements in the north, which again held him back from his voyage. 1294. Insurrection of the Welsh.

Readily as the Scottish nobles had submitted to Edward's claim of feudal dominion over Scotland, many of them became discontented with their position, as peers of an inferior kingdom, now that the superior sovereignty of the English King was formally established, and that his rights as Lord Paramount were practically and systematically enforced. Edward voluntarily renounced the vexatious and burdensome feudal rights of wardship and marriage over heirs to the Scottish throne; but he insisted on, and he enforced his prerogative, as feudal superior, to entertain and decide on appeals to the English royal court from the decisions of the Scottish king's court. Similar appeals on Gascon causes had been regularly brought from Edward, as Duke of Aquitaine, to the French King; and the right of an ultimate appeal to the court of the Lord Paramount from all his vassals' courts was generally admitted and exercised, wherever the feudal jurisprudence prevailed. Baliol is said to have felt keenly the indignity of being called on to answer in the English court to complaints which his Scottish Baliol's discontent.

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subjects made against him. But it is to be borne in mind that such a summons did not necessitate the personal attendance of the Scottish king before the English tribunal. It was open to him to appear by attorney; but Baliol desired to be relieved altogether from this mark of subordination, which Edward truly told him was a necessary consequence of his having sworn fealty and done homage to the English Crown for his Scottish kingdom.

The hostilities between Edward and the French King emboldened the Scots to endeavour to rid themselves of the English King's supremacy. England's difficulties appeared to be Scotland's opportunity. Baliol, notwithstanding the jealousy of English right which he had shown in the matter of the appeals, was distrusted by his fierce subjects. He was induced, or compelled by them, to commit the government of his kingdom to a council of four prelates and eight lay nobles, who made use of his name as they thought fit, and who kept him under actual restraint lest he should attempt to revoke or thwart their authority.

Treaty between Scotland and France.

A treaty of alliance, offensive and defensive, between Scotland and France was concluded, and active preparations were made for invading the northern counties of England as soon as Edward and his army should be on the seas for France.

Preparation of the Scotch to attack England.

Edward's preparations.

The English King was too vigilant a statesman to be thus taken by surprise, and he prepared to meet the schemes of his enemies with characteristic sagacity and vigour. He sent a force of 7000 men under his brother, the Earl of Lancaster, to Gascony; he relied on the ships of the Cinque Ports and the bold mariners of Kent and Sussex to keep in check the French marauding squadrons in the Channel; and he determined to remain in the island himself to take the

requisite measures against the impending revolt and hostilities on the part of the Scots. Large supplies of money were requisite for these operations, and he convened a parliament in November, 1295, which is justly considered memorable in the history of our constitution.* The representatives of no fewer than one hundred and twenty cities and towns were summoned to it, besides two knights for each county, and besides the great nobles and prelates who, as usual, received each his separate notice to attend. The words of the writs of summons are remarkable. In them Edward in effect told his subjects that he deemed it just that the approval of all should be given to measures which concerned all, and that perils threatening the common-weal should be provided against by remedies resolved on in common. He set before them the dangers that were menacing the realm, and called on them to deliberate on these things, and to do what the matter should require. The nation nobly responded to its sovereign's noble appeal. Large subsidies were freely voted; and in the spring of 1296 Edward, besides maintaining and reinforcing his little force in the south of France, was drawing a powerful army round him in the north of England.

The great parliament of 1295.

The king calls on the nation.

The nation answers nobly.

The Scots were the first to begin open war. While Edward's forces were converging towards Berwick, at the eastern end of the frontier, a Scottish army, of equal numerical force to that which Edward had formed, was gathered together by the Earl of Buchan and other Scottish nobles. But, instead of confronting the English host, they crossed the frontier to the west, and devastated the open

The Scots begin hostilities.

* "The regular and complete establishment of the British Parliament is generally dated from this year 1295."—Guizot's History of Representative Government, Part 2, Lecture xiii.

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1296.

The Scots are repulsed from Carlisle.

King Edward takes Berwick.

county of Cumberland with barbarous ferocity. But they were repulsed with shame and loss from the fortified city of Carlisle; and they returned to their own country after having done nothing that could influence the event of the war, to which they had thus sought to give, at its very commencement, the character of a war of extermination. Edward's first operation was the siege and capture of Berwick. He had offered terms of capitulation, which were refused; and the place was taken by assault on the 30th of March. The massacre of the garrison and inhabitants was such as has too often happened even in our own century when towns have been stormed; and the English attacking army at Berwick was incensed by the tidings of the recent barbarities of the Scots in Cumberland, and by the butchery before their own eyes of the crews of three English ships, who had fallen into the power of the Scottish garrison a few days before the assault, and who had been put to death without mercy.

The Scots renounce allegiance to King Edward.

Defeat of the Scots at Dunbar.

Submission of the Scots.

The kingdom declared forfeited to the English Sovereign.

At Berwick Edward received a message from Baliol, or from the Scottish Lords of the Council in Baliol's name, renouncing fealty and allegiance to the King of England. A few days afterwards, the main Scottish army was defeated by an English force under Earl Warenne at Dunbar; and before the end of July all Scotland was conquered, and Baliol and the chief Scottish nobles had surrendered themselves to Edward, and sought for mercy. It was granted to all. But Baliol was required again to acknowledge Edward's rights, and to admit that the Kingdom of Scotland was now justly forfeited to the English Sovereign as its Lord. After this Baliol was detained in easy custody in London for a few years, and was then permitted to retire to Normandy, where he had some patrimonial estates.

Edward did not set up another vassal King of Scotland in Baliol's place, but he himself assumed the immediate sovereignty of the subjected kingdom, as he was unquestionably entitled to do, both according to all the principles of feudal jurisprudence, and by the right of conquest, acquired by him in a war which had been on his part a war of defence and retaliation, and not a war of aggression. He made a triumphant progress through Scotland, during which the Scots thronged eagerly before him to do homage and swear allegiance. He made no innovations in the old laws or institutions of his new kingdom—no man's property or rank was taken from him; and, except the necessary precautions of placing the principal offices of state in English hands, and of garrisoning some of the most important castles with English troops, Edward did no act that could inflict upon the Scots the shame or the suffering which are usually the lot of a conquered population.

Mildness of Edward's government.

Twenty-four years of Edward's reign had now passed away in honour and in general prosperity, though Gascony was still unrecovered. His domestic government of England had been marked by wise and beneficial legislation, by firm maintenance of order, and by wise confidence in his subjects' readiness to co-operate with him in the exercise of political power for the general good. By his skilful and economical management of the royal revenues, and by the liberality shown by his Parliaments in the grant of subsidies, he had been enabled to maintain his royal state, and to carry on his wars, without provoking public discontent by the oppressiveness of arbitrary taxation. It is true that he more than once during this period exercised his prerogative of settling talliages on towns; but there was yet no positive law to prohibit or restrain this

Edward's good fortune up to this date.

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practice, though the general constitutional principle, that the people's money is not to be taken by the sovereign, without the people's lawful consent, was acquiring strength and recognition. The remainder of Edward's reign, from the end of 1296 to 1307, is of a more chequered character. Though generally successful in war, and though preserving on the whole his popularity among his English subjects, he did not during his latter years keep the high standard of prosperity or of merit, which he had maintained during his youth and in his vigorous manhood. The sensitive honour and the frank generosity of his disposition seem to have become cankered and impaired as he grew old. This may have been partly, perhaps mainly, caused by the change in his domestic circumstances. The death of Queen Eleanor, who had so long been the sharer of his toils and cares, as well as of his prosperity, deprived him of the healing and hallowing influences, which a happy home bestows upon the over-wrought brain and the chafed spirit of the man of active life.* He must also, both as father and as king, have marked, with bitter disappointment and gloomy forebodings, the worthless and frivolous character of his son and destined successor, young Edward of Carnarvon, which displayed itself unmistakeably as that wretched prince grew up towards manhood. Whatever may

Chequered character of the last eleven years of his reign.

Edward's personal disposition becomes more gloomy.

Probable effects of the death of his wife,

and of the worthlessness of his son.

* The contemporaneous chronicler, Peter Langtoft, speaks of the gloom which the death of Queen Eleanor cast over King Edward :—

"On fell things he thought, and went heavie as lead,
How chances 'gainst him fought; and that his queene was dead:
His solace all was reft, that she from him was gone."

This is from Brunne's version of Langtoft's French. The lines are cited in Greatest of the Plantagenets, p. 277.

Edward contracted a marriage in September, 1299, with the Princess Marguerite of France. Sincere affection and fidelity marked the King's second marriage as well as his first; but the new wife never could have filled the void left by the loss of the bride of his youth.

have been the cause, the old King became a sadder and not a better man. Many questionable acts stain the records of the last eleven years of his reign. By drawing attention sedulously and repeatedly to these parts of his conduct, and exhibiting every detail of them, while other portions of his career are briefly and vaguely mentioned, writers hostile to Edward have succeeded during the last century in giving him a general evil character for selfish tyranny, which I believe will be held unmerited, or certainly will be thought grossly exaggerated, by those who look fairly to his whole career, and "take him for all in all."

The war with France.

Mention has already been made of the renewal of the war with France in consequence of the perfidious appropriation of the Gascon castles by the French King. The operations of Edward's officers in Gascony were unsuccessful; and the English King determined to attack France on the north-eastern frontier, whither it was far easier for him to lead English forces than to Gascony. He also formed alliances with several of the princes of Holland, Flanders, and Austria, who seemed able, and who professed to be willing, to give him valuable aid in the war. But, as often happened before and since, the continental allies of England were eager for her subsidies, and lukewarm as regarded operations against the common enemy. Edward's project of a victorious advance upon Paris was not realised; but his exertions for the rescue of Gascony were not wholly fruitless. The French King, though generally successful, was obliged to strain his resources to the utmost in order to maintain the conflict. Both kings were weary of the war. There were several truces; and in 1298 the proffered mediation of the Pope was accepted. But Philip and Edward were both jealous

Edward determines to make war from the side of Flanders.

His continental allies.

They take his subsidies, and neglect the war.

Both Kings disposed for peace.

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They accept the mediation of Boniface VIII., but in his private, not his Papal character.

of the pretensions of the Romish power; and they submitted their differences to be arbitrated on, not by Boniface VIII. in his character of Pope, but by the same individual in his private capacity, and by his private name of Benedetto Gaetani. The award was ultimately favourable to Edward; though Gascony was not restored to him until four years before his death. During the interval, officers appointed by the Pope held military possession of the province. There had been a brief renewal of hostilities between the two nations, in consequence of an invasion of Flanders by the French in 1299, but no military event of importance occurred; and a final peace was made in 1303. These disputes between King Philip and King Edward have been noticed less on their own account than on account of their influence on the affairs of Scotland, and on Edward's domestic government, and the constitutional opposition which he encountered from the English Barons. All these things—the hostilities with France, the revolt of Scotland, and the discontent in England—acted and reacted upon one another. Still it will be more convenient, now that we have glanced at the war with King Philip, to sketch separately the events connected with the Scots, and afterwards to give our attention to the internal history of England.

The award in Edward's favour.

Final peace: 1303.

Importance of those French wars in influencing the movements of the Scots, and with regard to Edward's domestic government.

Apparent completeness of Edward's conquest of Scotland.

He offers the Scottish regalia at St. Edward's shrine at Westminster, June 18, 1297.

Edward had laboured skilfully, and with seeming success, to secure the benefit of his military conquest of Scotland by wise and just arrangements for her pacific good government under his authority. Every Scottish landowner of any note had taken in person the oath of allegiance to King Edward; and when, on June 18th, 1297, he solemnly laid the old Scottish sceptre and crown before the shrine of St. Edward the Confessor at Westminster, he had every reason to believe that his sovereignty over Britain,

from north to south, from east to west, was complete; and that the Caledonia, which had baffled the ambition of Rome, was now in his lawful and secure possession. Before the close of the autumn of the same year, nearly all Scotland was in arms against him; his troops there had suffered a calamitous and disgraceful defeat, and the northern counties of England were swept with fire and slaughter by the victorious Scottish insurgents. This marvellous uprising of a seemingly subdued nation (which led ultimately, though not immediately, to a renewal of the independence of Scotland), was entirely due to the enterprising spirit of one great man.

Sept. 10, 1297, the English army defeated by Wallace at Stirling.

18th Oct. to 11th Nov., 1297, the Scots invade and devastate Northern England.

This man was himself no favourite of fortune, and was speedily overthrown; but the spirit which he had roused animated his countrymen to continue the struggle; and another great man came forward and brought it to a victorious conclusion. Still, it is the initiator of the movement who deserves the chief glory; and the primary name among the liberators of Scotland is that of Sir William Wallace. Inferior to him in true glory, though superior in achievement, stands Robert Bruce, who made himself King Robert I. of Scotland.

Sir William Wallace, "*Liberator, haud dubio, Caledoniæ.*"

Robert Bruce.

It is natural and it is laudable that the memory of these two great Scottish chiefs has been idolised by their countrymen; it is natural that their exploits have been exaggerated by historians of Scottish race; and it is also, unhappily, natural for such historians to have shown ill-will and malignity to the memory of the English King, who conquered and executed Wallace, and who was on the point of crushing Bruce, when his own death arrested him on his path of vengeance. But besides all this, it has happened that the most popular of all modern histories of England

Hume's malignity towards Edward I.

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(one which, for nearly a century, maintained almost exclusive authority on the subject) was written by a Scotchman. In that history Edward I. is studiously blackened at every possible opportunity, so as to suggest the presumption, that he was a merciless oppressor towards the Welsh, and a lawless despot towards his own people, and that he therefore was likely to be a cruel and perfidious adversary towards the Scottish nation. These opinions became widespread, and endured long; but a reaction now seems to be setting in; and not only is Edward's character vigorously defended against Hume, Mackintosh, and other Scottish assailants, but bold reprisals are made against the choicest objects of Scottish historical devotion. Bruce is denounced as an unprincipled, though able, adventurer; and Wallace is described as a sanguinary brigand, fit only to be paralleled with monsters such as Nena Sahib.*

Its extensive influence.

Recent reaction, and reprisals.

I believe the subject to deserve the most careful attention, especially with regard to King Edward and Sir William Wallace. Bruce's character needs less debate. Few now defend his first motives of action; none disparage his military and political genius. But Wallace's abilities are called in question, as well as his patriotism. We are told that the admiration of nearly six centuries has been in all respects an error of fame; and that his name ought to be erased from the bright list of those who have saved their countries. I repeat that the subject deserves the deepest attention.

Attempted depreciation of Wallace.

* I allude, of course, to the remarkable volume entitled The Greatest of the Plantagenets, which appeared in 1860. It is an earnest, elaborate, and eloquent defence of Edward I. against all the imputations that have been made upon him. My frequent references to this volume must have already shown how much I value it. Still I am not prepared to go all lengths with its able author, especially as regards Edward's constitutional or rather unconstitutional government during the last years of his reign.

History cannot afford to be robbed of one of her demi-gods; but, at the same time, we must not allow the altars of their apotheoses to be built out of the ruins of the fair fame of others. Yet surely it may be possible to do justice to the Scottish hero, without doing injustice to the English King; and "the greatest of the Plantagenets" may be defended without running into the opposite error of calumniating those, by whose literary partizans he has been slandered.

Our historical materials for knowledge of those times.

The materials which we possess (apart from the works of modern writers) for obtaining clear knowledge and forming sound judgment on this vexed portion of English and Scottish history, are more ample than might be expected, considering the antiquity of the events, and the character of the age in which they happened.

Large mass of contemporaneous documentary evidence.

There is, in the first place, a very large body of contemporaneous documentary evidence. A whole volume of records and documents, bearing date between 1237 and 1307, all arising out of or connected with Scottish affairs, has been collected by Sir Francis Palgrave, from the historical stores preserved in the English Exchequer. Many very important documents had been previously published by Rymer. Others have appeared in various publications. Some, though not printed and published, are well-known and easily accessible. These documents, especially such as treaties, solemn forms of homage, judicial state-letters, and the like, are themselves historical facts, and they are also of infinite value as evidentiary of other facts.

Contemporaneous English chroniclers.

When we come to avowed narratives of transactions, we find that the events of Edward's reign, especially those regarding Scotland, have been written and handed down to us by a considerable number of chroniclers, who were contemporaneous with

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the events which they narrate, and who must have had ample opportunities of learning the truth of the matters which they wrote about. Peter Langtoft* was an inhabitant of one of the northern English counties; and wrote his Chronicle during Edward I.'s reign. That part of it which treats of Edward's wars, and the affairs of Scotland during Edward's reign, is certainly to be regarded as the evidence of a contemporary, and of one who must have taken a deep interest in this part of his subject, and who must also have had excellent means of collecting information. His Chronicle is written in Norman-French, and is generally cited from the translation of it into early English, which was made by Robert Brunne, another English chronicler, who lived about thirty years afterwards. Walter Hemingford, a Yorkshire clergyman, died in 1347, and in his youth had lived and conversed with those who took part in these Scottish wars. His Chronicle contains internal evidence that the writer, in several instances at least, obtained his knowledge from eye-witnesses. These two are the most copious and minute on Scottish affairs of the certainly contemporaneous English writers; and we must remember that they could not only learn from eye-witnesses, but that they learned from them while the events were still fresh in men's memories, and while surviving eye-witnesses were numerous. There are also the contemporaneous chronicles of Lanercost (a place in Cumberland), and of other English religious establishments. Trivet (an English Dominican prior) is also a contemporaneous witness. So is Wykes of Salisbury; and other names might be added, but I omit those, the supposed date of whose works has been

* See the preface to the edition of his Chronicle by Mr. Wigan, published in the Rolls Collection.

at all reasonably called in question. Of course in reading the works which have been mentioned, the nationality of the writers must be remembered; and we must be on our guard against their natural bias for representing the English side in the most favourable, and the Scottish in the most unfavourable, light. I see no other reason whatever for distrust in receiving their testimony. The Scottish writers (who are usually referred to as primary authorities on this part of history) are open to the same objection on the ground of national partiality and prejudice, and there is also this objection to them, that not one of them is a contemporaneous witness. I am very far from rejecting their testimony altogether on this ground. The dogma that no historical witness is entitled to any credit, if not a contemporary, is in my judgment erroneous in principle, and impracticable in application. But, unquestionably, the value of such a witness is diminished, when we find his testimony to consist of nothing but hearsay two or three degrees deep. It is then mere tradition. And there is nothing but tradition and legend in the writings of Fordun and Winton, who are the earliest Scottish chroniclers on these subjects, and to whom revilers of Edward I. generally refer, as authorities for their version of that sovereign's conduct towards Scotland. Fordun (who is commonly termed the father of Scottish history) was a canon of Aberdeen, who is reasonably believed to have died in or about 1386. In order to suppose that he obtained good historical information from those who lived in the days of Wallace, we must assume without proof that he lived to a very great age; and also, that when he was extremely young, he busied himself in obtaining intelligence from the few men of Wallace's generation who could then have been surviving.

No contemporaneous Scottish chroniclers.

The very earliest chronicles are mere traditions.

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Even these veteran informants (if any) must have spoken of things long gone by, and as to which there was little or no opportunity of testing their narratives.

Fordun's narrative merely traditional.

I cannot but regard Fordun's narrative as hearsay several degrees deep, and as made up of mere traditionary information, which he who recorded it must have obtained under circumstances extremely unfavourable for the scrutiny of truth. Winton (who comes next in order among the Scottish writers) wrote about forty years later than Fordun. The panegyrical poems of Barbour and Blind Harry can hardly be regarded as historical compositions; and it is not going too far to say that the early Scottish narratives of the deeds of Wallace and Bruce are nothing but tradition and legend.

The other Scottish authorities still weak.

All traditions not to be totally and absolutely rejected.

I repeat that, in my judgment, tradition and legend are not to be utterly rejected by the historical inquirer, who seeks for knowledge of the men and the events of a period remote from his own time; especially if the period was one when writing and reading were little practised by the masses of mankind, and when the popular recollections of remarkable occurrences were chiefly preserved from generation to generation in the tales and ballads of peasants round their cottage firesides, as well as in the lays of professed minstrels in the baronial halls. Tradition and legend are not of themselves sufficient to make up a history. A history must have surer foundations. But when main facts are established by indisputable historical evidence, we may rightly listen to what tradition tells us about circumstances, though we must listen with a cautious and a critical ear.

Certain historical facts as to Wallace and Bruce.

It is absolutely certain, from authorities above all suspicion, that Wallace and Bruce restored the independence of Scotland at periods when

it seemed irreparably lost; that they fought great battles and shed much blood; that the end of Wallace's career was an English scaffold, and the end of Bruce's was a Scottish throne. No improbability, that can be urged as to the truth of any particular tradition or legend about them, equals the improbability that they should have so saved Scotland, so fought, and so ended their lives, as we know to have been the case, and yet that no substantially true tradition about their real exploits should have survived among their countrymen, though so fervent in their patriotism, and so devoted in their worship of their national heroes, as the Scottish nation was, is, and ever has been.

Probability that there would be substantially true traditions about them.

It is clear that if in such cases we reject tradition in the mass, we reject a large amount of truth—of truth mixed up with and overlaid by a large amount of fiction, yet still in such a manner that it is generally possible for us to sift and winnow well the mingled bulk, and to ascertain what is reasonably sound, and what "is light as chaff that flies before the wind."

Rules for sifting and appraising tradition.

Of course, in all cases where tradition is contradicted by clear historical evidence of a higher order, such as contemporaneous documents, or contemporaneous honest narratives, the tradition is to be at once disregarded. On the other hand, if any of the matters of the tradition are confirmed by historical evidence of a higher class, we are naturally more disposed to believe that the other matters also of the tradition are trustworthy. Again, in estimating the worth of a tradition, we must consider its subject-matter relatively to the position of the persons among whom we find it to have first passed current. Thus it is quite natural that the people of an invaded country should talk over, and should by talking perpetuate the recollection

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of a battle, a siege, a single combat, or any gallant feat of arms that occurred in their country during the invasion. Such traditions have, in all human probability, originated in the talk of the very men who took part in, or who witnessed, the subject-matter of the tradition. But when the subject-matter of a tradition is a debate said to have been held in the council-chamber of a hostile prince in a foreign country, it is grossly improbable that such tradition should have had an honest origin. We may feel almost certain that it was coined by some patriotic and imaginative narrator, in his zeal to make his tale dramatically effective, and to gain the favour of his hearers by giving them a fresh justification for their pre-existent hatred of the national foe. Unfounded charges against enemies mislead more effectively than unfounded praises of friends. We all expect to find exaggerations in panegyric, and we all make deductions accordingly as to the amount of credit that we allow to it. But we are apt to listen with prone minds to invective and insinuation against adversaries, and to repeat such tales rather augmented than pared down.* Above all, we ought to be on our guard against fixing our belief on mere traditionary evidence as to charges of treachery against a national enemy. Every nation loves to think itself invincible in a fair contest, and to impute all its overthrows and humiliations to deep-laid craft and guile. A story of treachery is the most lightly made, the most readily believed, and the most rapidly disseminated of all the forms of fiction.

One ordinary difficulty which historical inquirers

* "Ambitioni scriptoris facile adverseris. Livor atque malignitas pronis auribus accipiuntur." Tacitus makes the observation on contemporaneous written histories. It applies tenfold to far-fetched oral tradition.

meet with, that of having to compare and choose between directly contradictory and conflicting testimony, does not occur to any great extent as to this period of English and Scottish history, so far as Wallace is concerned. The oldest writers on each side agree in speaking of him as standing out in resistance to the English power after all the Scottish nobles and nearly all, if not all, the Scottish gentry had submitted. They agree substantially in their accounts of the predatory and irregular warfare which he at first maintained; of his numerous homicides of the English; of his boldness and his continued success; of his being joined by many of his countrymen, including some nobles, and of his band becoming a national army; of his great victory over the English at Stirling, and of its immense effect in encouraging the Scottish nation to maintain the struggle; of his nearly total expulsion of the English from Scotland, and his terrible devastations of the northern English counties. The horrible cruelties, which the English writers impute to Wallace and his army, are in no way contradicted by the Scottish chroniclers, who in describing these matters recount his slaughterings and his burnings with glee and glorification. His regency, the jealousy which the Scottish nobles showed towards him, his defeat by King Edward at Falkirk, his subsequent life as a fugitive and predatory adventurer, his persistent firmness towards the conquerors, his capture and his execution, are all matters to be found in the historical writings of both nations. His countrymen have evidently exaggerated many of his exploits; but still enough fair historical proof remains to enable us to see clearly the primary qualities of his character, and to map out the broad lines and bearings of his career.

Not much direct conflict of evidence in this part of English and Scottish history, so far as regards Wallace.

Points on which the writers on both sides agree.

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Parentage of Wallace.

Sir William Wallace, the Knight of Ellerslie, was the second son of Sir Michael Wallace, a small landowner of old but not noble family, whose estate was near Paisley. William Wallace was remarkable for stature, strength, activity, and skill in the use of weapons; and his spirit was both daring and firm.

A leader of an irregular force in 1297.

The first main fact as to his public life, that is known with certainty, is that in 1297 he was at the head of a numerous body of armed Scotchmen, who at every opportunity attacked and slew without mercy the English, and such of their own countrymen as favoured the English cause.

Scottish traditions as to his first slaying the English.

According to the Scottish traditions the first blood shed between Wallace and the national enemy was in a casual quarrel between him and an English officer in the market-place at Lanark. Wallace killed his adversary, but would have been slain himself by the officer's friends and adherents, had he not found refuge in the house of a lady of his love. There is no proof that Wallace was ever married; but this anecdote of his opening career, taken together with the better authenticated narrative of the circumstances of his final capture, shows that he had a susceptibility for the softer, as well as a capacity for the fiercer passions. According to the legend, the English, incensed at Wallace's escape, burnt the house in which he had been sheltered, and killed the lady. Such events are far from impossible, and were likely, if they happened, to be traditionally remarked. Probably the Scottish writers who recorded them did not perceive that by dwelling on these personal motives for Wallace's warfare against the English they were dimming the pureness of the glory, that would belong to him, if he were believed to have taken up arms out of disinterested patriotism only. But such events, and above all the cruel death of the mistress

who sacrificed her life for his, may have inspired Wallace with that peculiar ferocity and cruelty, which he certainly exhibited towards all of English race.

Increase of his force.

Wallace's band of heroic adventurers, as their countrymen deemed and deem them—of brigands and assassins, as the English considered them—grew by degrees into a little army; and some of the chiefs of the Scottish aristocracy, among whom Sir William Douglas was pre-eminent, joined openly the new champion of Scottish independence. Douglas and these other knightly and noble men (as they were esteemed) had all taken the oath of allegiance to King Edward; but the Scottish men of rank in those days showed no sense of honour or loyalty as to keeping oaths and promises made with foes, and very little as to keeping them when made with friends. But Wallace himself was free from every taint of treachery or falsehood. As he justly boasted at the tragic close of his career, he never was traitor to King Edward. Owing to his comparatively humble station, the invaders had not included him among those whom they required personally to take the oath of allegiance to the English King; nor have we any right to suppose that Wallace would have taken the oath if tendered.

Fresh adherents brought Wallace fresh successes; fresh successes brought fresh adherents; many detachments of English soldiery were destroyed; fortified posts were surprised and captured, and great numbers of English race, or who acknowledged the English rule, were massacred without mercy. Many English priests had been placed in livings in the south of Scotland, and many English nuns had been introduced into Scottish convents. Against these helpless beings Wallace and his followers showed especial malignity. It was their

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1296-1307. Cruelty of Wallace and his band.

favourite pastime to collect a number of priests and nuns, whom they drove bound before them to the nearest river, where they cast them into the water, and amused themselves with mocking and jeering at the struggles and drowning agonies of their victims. These cruelties are told and described by writers of the very time, one of whom expressly states that he heard these scenes described by a priest who had been himself among Wallace's captives, but had been able to effect his escape. The horror and hatred of Wallace, which these and similar deeds produced among the English, were deep and lasting; and modern admirers of the Scottish chief ought not to be allowed to veil such abominations with a few set phrases about the usual violences which accompany insurrectionary warfare.

King Edward at this time entangled by French war, and civil dissensions.

Had King Edward not been at this time hampered by his engagements for the expedition to Flanders, and by the dissensions between him and his chief nobles, it is probable that he would have personally led a sufficient force into Scotland, and would have trodden out the new war. Unable to proceed to the North himself, Edward sent orders to the Earl of Surrey to collect the whole military force of the counties northward of the Trent, and at once to quell the Scottish insurgents. Surrey sent his nephew, Henry Percy, forward with a large force, which met at Irvine in the month of July a Scottish army of strength enough to bid them battle. Wallace was there; but Douglas, Bruce, the Steward of Scotland, and other high-born men were there also, whose family pride made them jealous of the ascendancy exercised by the simple Knight of Ellerslie. They refused to act under Wallace's orders, and began to make terms for themselves with the English commander. With the single exception of Sir Andrew Moray, of Bothwell, who

English forces sent into Scotland.

nobly adhered to Wallace and independence, all the Scottish men of rank at Irvine signed articles of submission, by which they entreated King Edward's forgiveness of their rebellion, and bound themselves anew to be his liegemen. Wallace indignantly refused to be party to this surrender. The Scottish nobles deserted him, but the Scottish people were true to him. The English writers of the time expressly attest the great influence which he exercised over the commons of the land, who "obeyed him as their leader and their prince." He organised a large army, with which he reduced many of the English garrisons northward of the Forth; and in a short time the temerity of the English leaders gave him the means of inflicting on them a complete defeat in a regular battle.

Many of the Scottish nobles capitulate at Irvine.

Wallace refuses submission.

He obtains fresh successes.

Lord Surrey was now himself in Scotland; but an English ecclesiastic named Cressingham had been appointed treasurer of that kingdom, and held the effective vice-royalty. Surrey and he were on bad terms with each other; and, unfortunately for the English, Cressingham thought fit to accompany the army, which Surrey collected and led northward in September, 1297, in order to raise the siege of Dundee, which was then hard pressed by Wallace. Wallace, with great skill and promptitude, determined to intercept the march of the English at Stirling, where they would be obliged to effect the passage of the river Forth. He drew up his army on and near the high and uneven ground to the north of the river, so as to conceal part of it from the view of the English, and to tempt them to hurry across the long and narrow bridge of Stirling, in the hopes of at once crushing the scanty bands of insurgents that met their view. Some veteran officers on the English side advised their general not to advance rashly over the bridge; but Cressingham, in his con-

Wallace's great victory at Stirling.

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temptuous ignorance, imputed such lack of forwardness to lack of loyalty and courage; and, goaded into folly by the sneers of a fool, Surrey gave the fatal order to advance. When part of the English army was on the northern side, separated from the mass of their comrades by the strait bridge over which two horsemen could hardly ride abreast, Wallace gave the signal for the Scots to charge, and they easily overpowered the English, van. Another division that struggled across after it was similarly beaten in detail. Some of the Scottish nobles who, professing allegiance to King Edward, had joined Surrey with troops, as soon as the day was evidently going against the English, attacked and plundered their recent comrades. All was confusion and ruin in Surrey's army. Thousands perished in the river, besides those who fell beneath the Scottish sword and spear. Surrey escaped, but Cressingham, the treasurer, was killed. The Scots flayed and mangled the dead body; and, according to one English chronicler of the time, Wallace had part of the skin tanned, and made into a sword-belt for his own use.

Wallace master of Scotland.

The effect of this victory was great and instantaneous. The contemporaneous English annalist says of the battle:—"This terrible beginning of warfare roused the spirit of Scotland and sunk the hearts of the English." In a very short time after the battle, Wallace was master of nearly all the Scottish towns and fortresses which had previously been occupied by the English; and in October he crossed the border at the head of a large army, with which he laid waste Northumberland and Cumberland, until the severity of the winter season and the sufferings of his own troops, amid the desolation which they themselves had made, compelled him to return to Scotland. All writers

He invades England.

Unparalleled atrocity of this invasion.

of both nations, who speak of this inroad, concur in characterising it as of unexampled destructiveness; and, in the long and bloodstained history of Scottish and English warfare for several subsequent centuries there is no record of any expedition conducted with so much havoc and barbarity as this. Besides general statements that the invaded parts of England suffered for many weeks under "all the miseries of unrestrained rapine and bloodshed," the English historians of the time specifically charge Wallace and his followers with "forcing English men and women to dance naked before them, pricking them with lances and swords." They record of him that he caused fire to be set to a school full of English boys, all of whom perished. The sentence of death, under which he was executed in 1303, states as the reason for part of his doom "that his bowels should be burnt even as he himself had burned a church full of men and women." The Scottish traditions fully attest the truth of these charges. They mention Dunottar as the place where Wallace burned the church; and with boastful exaggeration give 4000 as the number of English that were consumed in it. The English chroniclers have mentioned the fact of Wallace having on one occasion interfered to save the lives of three English monks at Hexham. This shows the fairness of the English writers; but it is not enough to absolve Wallace from responsibility for the systematic and cold-blooded cruelty, with which the unresisting inhabitants of Northern England, men and women and children, were outraged, tortured, and slaughtered, during an expedition of several weeks, by those whom he commanded.

On his return to Scotland, Wallace convened an assembly, which was attended by many of the Scottish

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nobles, and he then assumed the title of "Governor of Scotland in the name of King John, and with the consent of the articles of the Realm." For about six months he was absolute ruler of the country. The nobles envied and hated him, but they dared not oppose him openly. Wallace had little scruple as to the means by which he coerced the disaffected, and punished the disobedient. A few prompt and summary sentences to dungeons and gibbets soon silenced all opposition to his authority. His measures for the military defence of the land were vigorous. He established what would be now termed conscription lists of the men between the ages of sixteen and sixty in every district; and as many of them as he ordered were bound to appear and serve in the army, under pain of death for default. But no skill or energy on his part could enable him to organise in a few months a force capable of competing in the open field with the full power of England; and when King Edward (who in the spring of 1298 concluded a truce with the French and returned from Flanders) entered Scotland at the head of a numerous and well appointed army, Wallace adopted the prudent policy of avoiding a pitched battle, and of laying waste the country through which his enemy advanced, and waiting till famine and sickness should compel the English to retreat, before he assailed them in more than petty but frequent skirmishes. This wise strategy seemed about to meet with deserved success. The English suffered greatly as they marched northward; especially as the fleet, which King Edward had ordered to sail up along the eastern coast and co-operate with the army, was detained by adverse winds at Berwick. Edward's great object was to force a battle; but Wallace's skilful movements, and the desolation of the

Wallace assumes the office of "Governor of Scotland."

Vigour and rigour of his rule.

King Edward leads a large army into Scotland.

Wise defensive warfare of Wallace.

country, kept him in ignorance of where the main Scottish army was posted. In this emergency two Scottish nobles deserted to the English, and informed them that the Scots were encamped in the forest of Falkirk, at no great distance from the position then occupied by the invading army. King Edward instantly marched upon Falkirk; and Wallace, finding an engagement to be inevitable, made the best preparations for it that his inferiority of force allowed. His main strength consisted of his infantry, who were chiefly armed with the Scottish national weapon, the spear, or long pike. He drew them up in four compact masses called Schiltrons, which seem to have been trained to form rings or squares, with the first rank kneeling, so as to present an almost impenetrable hedge of spear-points to the numerous cavalry of the enemy. Wallace was inferior in this arm. He had with him only about a thousand regular horse, who consisted chiefly of the Scottish nobles and their dependents, and of whose loyalty he had great cause to be doubtful. If, however, they had been minded to be good men and true, they might have given important assistance to the Scottish infantry against the English cavalry and archers. Wallace had only a few bowmen under his command. These he placed in the intervals between the schiltrons of spearmen. The English attacked the Scots along the front and on both flanks at the same time. The Scottish cavalry rode off the field without striking a blow; but Wallace's bowmen did their duty, till overpowered by the superiority of the English archer force. Still, the Scottish schiltrons stood firm, presenting on every side a stubborn array of spears, against which the English men-at-arms dashed in vain. King Edward now drew his cavalry squadrons a little way back, and spread his archers and

He is forced to engage at Falkirk.

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slingers round the Scottish masses. The Scottish spearmen fell in hundreds beneath their missiles, without any power of retaliation, and unable to drive away their galling foes, inasmuch as the English cavalry were close at hand, and watching for the moment to charge directly the Scots opened their close order of formation. At length the northern spearmen began to waver and to unlock their ranks. King Edward instantly poured his heavy horsemen on them; and when once broken the schiltrons fell in helpless heaps beneath their enemies. The most trustworthy English writers state the number of slain on the Scottish side at 15,000. The loss of the English appears to have been trifling.

Total defeat of the Scots.

Wallace escaped from the slaughter at Falkirk, but that defeat was the close of his military career. He resigned his office of Governor of Scotland; and the Scottish barons chose two of their number, Comyn of Badenoch, and De Soulis, to fill that post. Others were afterwards associated with them. The Regents were enabled, by King Edward's troubles on the Continent, by the interposition of the King of France and of the Pope, and by the dissensions between the English King and the barons, to maintain the struggle for independence for a few years longer. It has been made matter of reproach to Wallace that he appears to have done nothing for his country during this time, not even as a guerilla chief. But the jealousy of the nobles effectually kept him from any important command; and his popularity with the mass of the people must naturally, though undeservedly, have suffered in consequence of his overthrow at Falkirk. It is certain also that no band of irregular adventurers, or guerillas, can ever grow into great strength, or long maintain itself in any district, where

Wallace appears no more as a leader.

Comyn and other nobles act as governors of Scotland.

Prolongation of the war.

it has not the favour, or at least the connivance, of the population and local authorities. Wallace appears to have passed into France for a short time, and to have narrowly escaped extradition to King Edward by the French King, who was seeking to ingratiate himself with the English at one crisis of their long and tangled negotiations. We find the next trustworthy mention of Wallace's name in connection with Scottish affairs in 1303, when he is spoken of by the English chronicler Langtoft, in conjunction with Comyn of Badenoch and Sir Simon Fraser, as unable to maintain the war against the English, as "living at thieves' law," "skulking upon chance," and supporting themselves by plundering all within their reach. In the season of extreme adversity the proud Scottish nobles seem not to have disdained association with Wallace, but it was too late now for him to effect any material change in the tide of the war. 1303-1304.

The complete pacification between France and England in 1303 at last enabled King Edward to address himself with full force to the reconquest of Scotland. An army under the King himself, advanced along the eastern coast; another, under the young Prince of Wales, along the western. Fleets with ample supplies of provisions sailed in co-operation with them. The King defeated the Scottish army at Stirling, near the scene of Wallace's former triumph. No national force remained in the field, and the Scots of all degrees eagerly made their submission to the English King, "yielding unto him peace," and swearing fealty and true allegiance to him as their sovereign. King Edward completely reduces Scotland in 1303-1304.

On the 9th of February, 1304, the Guardian Comyn entered into a treaty, by which he and his followers obtained assurance that their lives and estates were not to be forfeited, but the English King was to Comyn's treaty with the English.

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1303-1304.

have the right of punishing them by fine for their past misconduct. All the strongholds, that yet were holding out against the English, were to be surrendered, and the government of Scotland was to be fully in King Edward's hands. The Scottish commander of Stirling refused to acknowledge this covenant; but his castle was besieged and taken by King Edward in person; and by the close of July, 1304, all Scotland was in profound submission, except the fens and morasses, where the stern spirit of Wallace was still unbent and not wholly broken. He had been excepted by name from the terms granted in the treaty made with Comyn, which distinctly stated that, if William Wallace thought fit to surrender himself, it must be unconditionally, and that he must give himself up to the King's mercy. At last Wallace asked for terms, but it was more in the tone of an independent and still powerful chief, than of a fugitive and hopeless outlaw. He demanded that he should have King Edward's own written promise for his life, and also the grant of an estate to him and his heirs for ever. Edward was bitterly incensed at what he deemed the insolence of such a proposal. He set a price on Wallace's head; and before long a Scottish knight, Sir John Menteith, earned it by surprising and capturing Wallace in his bed. As Langtoft says, "He took him when he feared least, one night his leman by;" and the great enemy of the English was forthwith delivered up to them.

Wallace and the English.

Wallace is taken.

Charge against Wallace.

Sir William Wallace was brought to London, and there tried and convicted in Westminster Hall. The indictment against him charged him with being a traitor to King Edward; but it was not limited to that accusation. It accused him specifically as a murderer; and it set out deeds of homicide and cruelty

committed by him, not mentioning slaughter in fair fight, as at Stirling, but the deaths and tortures of unresisting people. It charged that "men of religion and monks devoted to God he feloniously slew, sparing none that spake the English tongue; but all, old men and young, brides and widows, children and babes at the breast, he murdered in a manner more terrible than could have been imagined."

His defence as to part only.

Wallace answered proudly to the part of this indictment which charged him with treason, "Traitor to the King of England I never was." He said so with truth. For, unlike Bruce, Comyn, Douglas, Fraser, and the other chiefs of the Scottish nobility, Wallace had never professed allegiance to King Edward, and had never by word or deed acknowledged his authority. But to the rest of the indictment, which charged him with the cruel slaughter of helpless human beings, he answered nothing. It was too true, and too notorious for denial. Judgment passed against him; and the sentence of the English court of justice upon traitors and murderers was pronounced—the sentence which had been passed on Prince David of Wales twenty years before.* It is hardly necessary to repeat the remark, that such a sentence now sounds hideous and horrible, as perhaps the sentence of death by hanging now passed in our courts will appear to those who read of it five centuries hence. But it is unjust and irrational in the last degree to speak of the punishment inflicted on Wallace as proving any special malignity or ferocity in those who prosecuted, or those who gave judgment in his particular case.

Execution of Wallace.

Sir William Wallace was hanged, drawn, and quartered at Smithfield, in London, on the 24th of August, 1305. His head was set up on a pole on London

* See p. 385, *supra*.

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Bridge, and parts of his body were sent to Newcastle, Berwick, Perth, and Aberdeen for similar ghastly exhibition.

His character.

So perished a man who was a hero and a patriot; who despaired not of his country's liberty in the darkest season of her adversity; who fought to set her free, and not to aggrandize himself; and who by his valour, his generalship, and his power over the minds of others, achieved, and for a time maintained her independence. There is not a taint of cowardice, of meanness, or of treachery on Wallace's fame. He died with his lips unsullied by a lie. Would that his hands had been equally pure of innocent blood,—not meaning that of the men who fell in fair fight against him, but that of the helpless, harmless human beings by him and by his followers deliberately and systematically massacred. These things are not to be in any way excused, as are the horrors of the sentence which he himself suffered in consequence of them, on the plea that such was the usage of the time. It is most certain that the atrocities committed by Wallace and his followers were unprecedented and unequalled. How far they are to be palliated by the need that Wallace had of ingratiating himself with his savage soldiery, or by the memory of personal wrongs endured at English hands, by one near and dear to him, must be left to each reader's sense of justice and humanity to determine. They certainly reduce Wallace below the proud rank of Washington and Kosciusko, with whom some of his zealous admirers would class him; but it seems, on the other hand, unjust to hold that they degrade him to the level of Nena Sahib, with whom Wallace is compared by the late defender of King Edward I.*

* Greatest of the Plantagenets, p. 312; but the passage is well worth perusal.

King Edward and the English nation justified.

But, whatever weight such considerations ought to have on the estimate of Wallace to be formed by an impartial posterity (if such can exist in Scotland or in England as to such a subject), they decidedly clear from all merited blame the English King, at whose instance Wallace was capitally sentenced, and the English ministers and the English people of that age, who fully concurred with their sovereign. It is always to be rememembered that, if on the question of the feudal superiority of the English crown there was enough to be said on the Scottish side to make a Scotchman believe in his country's right to perfect independence, there was at least as much to be said on the other side; and that King Edward and his people were sincerely and fully convinced of the rights of the sovereign of England as Lord Paramount of the northern kingdom. If those rights existed, they were clearly violated by the conduct of Baliol and the Scottish council in 1294. It was a case of rebellion, if the English claims were right; and, even if those claims were waived, it was a case of open warfare, in which the Scots were the aggressors. When King Edward conquered them in 1296, he, as Sovereign Paramount, was fully entitled to treat the sub-royalty of his late vassal as forfeited, and to assume the immediate government of the dependant territory. As a mere belligerent in fair war (especially in originally defensive war) he was entitled to use the rights of conquest, and to assume dominion over the conquered. He did this (as the writers on the side of the conquered admit) without cruelty, without confiscation, without any unnecessary rigour. The late leaders, the nobles, the magistrates, and all the men in authority in the conquered nation, formally submitted to him, and owned him as their king. His govern-

CHAP. XIII. 1296-1307.

ment at the end of 1295 was, to all intents and purposes, the established government of Scotland. That Wallace never personally took the path of allegiance to the English King absolves Wallace personally from the guilt of perjury; but this by no means shows that the English were wrong in regarding him as one who had been King Edward's subject, and who made himself King Edward's rebel. In changes of dynasty it is physically impossible to take an attornment to the new ruler, and an actual promise of loyalty from every member of the population. The masses are regarded as bound by the acts and compacts of the representative chiefs of the State. It seems utterly unwarrantable to argue that the English of that day ought to have regarded Wallace's insurrection as other than rebellion and treason; or that they ought to have forborne from treating as murders his atrocious slaughtering in cold blood of their countrymen and their countrywomen.*

Settlement of Scotland.

After the re-conquest of Scotland was completed in 1305, King Edward directed a council of the Scot-

* The great war that has lately raged among our American kinsmen may suggest an ideal case, which may aid us in judging the conduct of the English towards Wallace. Let us suppose that, after the Southern generals had capitulated, and the Southern governments were dissolved in 1866, a Southerner of good family and great abilities and courage, and who had been no party to any of the capitulations, had determined to renew the struggle for the independence of the seceding States. Suppose him to have formed a band of adventurers, which by continual successes grew into an army, that he defeated large forces of the Northerners, and led his own troops into the Northern States, where for a time they met with no military resistance, but committed frightful devastations and cruelties, butchering old men, women, and children, burning churches with the congregations, and schools with the pupils in them. Let us suppose the fortune of war again to have turned against the Confederates, and the Southern leader who had done all these things to have been captured by the Federals;—must we not feel sure that he would have been dealt with as a murderer and a traitor; and that (whatever admiration his valour and energy might have excited) the verdict of the civilized world on his fate would have been, "Jure cæsus existimetur"?

tish nation to be assembled at Perth, for the election of ten commissioners, to arrange, in conjunction with twenty English commissioners, a plan for the future government of the country. The commission held its meetings at London, and agreed on a scheme which the Scottish writers admit to have been fair and moderate, under the circumstances, and to have been framed with careful regard to preserving, as far as possible, the Scottish national usages and laws. But its operation was short-lived; and it was destroyed by the very man to whom King Edward had trusted most for its establishment. This was Robert Bruce, grandson of the Robert Bruce who had been one of the competitors for the Scottish crown in 1290. As has been stated, the Bruce family held large possessions and high rank in England as well as in Scotland; their estates in the northern kingdom having been chiefly acquired by marriages with Scottish heiresses. The founder of the family was Robert de Brus, or de Bruis (as the name was at first spelt), who came over to England with William the Conqueror, and was rewarded with large grants of land, chiefly in Yorkshire. The fifth in succession from this Norman adventurer was Robert de Brus, or Robert Bruce, the competitor with Baliol, whom we have seen among the English barons who fought on the side of Henry III. at Lewes, and who was afterwards a judge in one of the English courts at Westminster. His son acquired by marriage the Scottish estates of Carrick, and is generally spoken of as the Earl of Carrick; but he was throughout his life a personal friend of Edward of England, and he was true to the English interest throughout all the disputes and the warfare which followed the uprising of Wallace. The grandson, the great Robert Bruce of history, was born in 1274; and,

Robert Bruce.

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1296-1307. Bruce, the trusted friend of King Edward.

His conduct during the war begun by Wallace.

as he grew towards manhood, shared the friendship and confidence of King Edward. He was appointed (jointly with his father) by the English King, in 1296 to receive the formal submission of the inhabitants of Annandale. When Wallace began the war of independence, the younger Bruce, who was in Scotland at the time, sometimes pretended to side with the insurgents, and sometimes made a show of acting in the cause of the English King. In reality he was watching the progress of events; but, though he so far committed himself by manifestations on the part of the Scots as to make him feel it prudent to obtain afterwards a formal reconciliation with the English Government, he generally, if he acted at all, acted as an English partisan, and he either retained or fully regained King Edward's trust and esteem. When his father, the Earl of Carrick, died in 1304, he succeeded to the family estates in Scotland and in England, and, as a mark of Edward's personal favour, he was excused from the payment of the customary relief, or feudal fine, to the lord. He was specially thanked in a royal letter for his zeal in putting down the remnants of rebellion in Scotland in that year; and in the following year he was summoned to England by the King as his chief adviser in settling the future government of the northern kingdom. Thus, being both by virtue of his office and by reason of the King's old friendship for his family and himself, in constant personal intercourse with Edward, Bruce had ample opportunity for observing that the English King's health was failing fast, and that there was no fear of the victor of Falkirk conducting another campaign, if Scotland were to revolt once more. Bruce saw also the utter worthlessness of Prince Edward of Carnarvon, the coming sovereign of England; and he discerned clearly that, as soon as the

Failing health of King Edward known to Bruce.

Bruce's prospects on King Edward's death.

old King died, an able and daring leader (such as he knew himself to be), with vast wealth, with the advantages of high rank, and lineal descent from the ancient Scottish sovereigns, would have an excellent chance for winning dominion, and for founding a dynasty, even as the Norman adventurers of the olden time had done in Normandy, in Italy, and in England itself. Comyn was his most formidable rival, and Comyn was soon removed by the dagger. Bruce and the other commissioners for the ordering of the administration of Scotland, had been dismissed by Edward with thanks at the close of 1305, and Bruce appears to have gone to Scotland with them. How far he had before the end of that year commenced taking measures for the realisation of his ambitious schemes is uncertain. Judging from Bruce's habitual sagacity, we should believe that it was his intention to wait for King Edward's death before he took up arms, but the slaughter of Comyn precipitated the insurrection.

Bruce's visit to Scotland at the end of 1305.

It is certain that early in 1306 Bruce and Comyn met in a church at Dumfries; that they there conversed privately; that Bruce there stabbed Comyn; and that two of Bruce's followers completed the work of death. Various reports were put forth in chronicles and in traditions as to what had been the dialogue, and what (if any) the immediate cause of quarrel between Comyn and Bruce; but none of them appears to be trustworthy. Long afterwards, when descendants of Bruce were reigning in Scotland, the Scottish writers, Fordun and others, compiled stories which, if true, might palliate Robert Bruce's guilt, about intended treachery by Comyn and King Edward towards Bruce, about timely warnings given to Bruce, and other matters, which are supported by no credible evidence whatever. On the other hand, there does not seem

Quarrel between Bruce and Comyn: Bruce stabs Comyn.

CHAP. XIII. 1306.

reason for regarding the death of Comyn as contrived murder and deliberate assassination on the part of Bruce. It was a blunder on his part as well as a crime. It instantly arrayed against him, as active and implacable foes, all the kinsmen, friends, and vassals of one of the most powerful nobles of the land. It stained him with the guilt of sacrilege; and made many, even of his countrymen, regard him with abhorrence, and his cause as a cause accursed by Heaven.

It seems most natural to conclude that the fatal blow was given in hasty anger; and it was probably repented of by Bruce as soon as given.* But the deed was irrevocable. There was now no shelter for him except on a throne of his own; and for that throne Bruce instantly commenced his daring, enduring, oft-baffled, but ultimately victorious struggle. His four brothers, all valiant young men, were with him. Several other knights, five earls, and two bishops, soon joined his banner. He was crowned King of Scotland at Scone on the 25th of March, 1306.

Bruce is crowned king of Scotland.

King Edward was at Winchester when the news of Comyn's murder, of a new Scottish revolt, and of Bruce's coronation, reached him. His indignation was extreme. The chief actor in this overthrow of his long-beloved policy was his own familiar friend, and most trusted subject; and nearly all the Scottish chiefs, who were now armed on the side of Bruce, had owed their lives to Edward's clemency, and had given him the most solemn pledges of obedience and fidelity. He vowed publicly that he would himself enter Scotland and take vengeance upon the traitors against himself and the murderers of John Comyn. A large

King Edward's wrath and preparation to re-conquer Scotland.

* The common narrative represents him as after he had given one stab to Comyn, rushing out of the church, and telling his friends in alarm, "I doubt I have slain the 'Red Comyn.'" Bruce's friends rushed in and "made sicker" of the death.

army was collected and moved northwards, the King's increasing infirmities allowing him only to be borne slowly in a litter in the rear. Before the King's forces crossed the border, his lieutenant in Scotland, the Earl of Pembroke, on the 22nd of July, entirely routed Bruce's army, and, to all appearance, crushed the insurrection. But Bruce escaped from the field; and renewed the war in September. He was again defeated; again escaped; and in the following March was again in the field. Many of his adherents fell into the hands of the English, and were by King Edward's orders executed without mercy. The English King in the winter of 1306 retired to Carlisle; but, on hearing of the renewal of the war by Bruce in the following year, he again determined to head the English forces in person. He was wasted by dysentery; but at the beginning of July he began his last march against Scotland. But, though the spirit was unwearied, the bodily frame of the Great Plantagenet could endure no more. Edward advanced only a few miles from Carlisle, and died at the little village of Burg-in-the-Sands on the 7th of July, 1307. His dying words were an earnest exhortation to his son and successor not to give himself up to the degrading influence of favourites, and to march the English army forward without delay or pause, so as to make at once and for ever an end of rebellion in Scotland. How the dying words of the great King were wasted on the ear of a dissolute trifler; how the great English army was withdrawn, and time was given to King Robert the First of Scotland to consolidate his power, will be told when we come to the wretched reign of King Edward II. of England.

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1306.

Increasing sickness of the king.

Bruce defeated by the Earl of Pembroke.

He renews the war.

Is again defeated; and renews the war again.

Severity of King Edward to the captured adherents of Bruce.

King Edward once more endeavours to head the English army.

He dies in the march against Scotland on the 7th of July, 1307.

His last advice to his successor.

We must now turn to the internal history of England during the latter years of Edward I., a period

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1297.

Internal history of England during close of Edward I.'s reign.

His rapacity and violence.

Edward's illegal exactions.

during which the King gave way to a spirit of rapacity and violence, which he had at least been able to control and conceal during the better portion of his life. Talliages, aids, duties, and requisitions were multiplied by him recklessly, and extorted remorselessly, after the outbreak of hostilities with France in 1293. For instance, he is recorded on one occasion to have fixed arbitrarily the amount of wool that should be exported by the English owners and merchants, and to have commanded that a third of the value of the exported quantity should be paid by them to the Crown. The rest of the wool that was ready for exportation was seized by his orders and confiscated for the king's benefit. He sent requisitions to the sheriffs of all the English counties for large supplies of wheat and oats, and authorized them to collect the necessary amounts by seizing such articles wherever they were to be found; and, in 1297, a subsidy of a specified amount having been granted to him by the Parliament in the preceding year, he of his own authority ordered that his subjects should pay him a much larger portion than the Parliament had sanctioned.

Had these things been tamely submitted to, they would probably have been followed up by further and by more violent exactions of the same kind, as the king's wars proceeded, and as the king's necessities increased. All that had been done at Runnymede and at Lewes would have become fruitless; and England would have sunk back from her progress towards constitutional freedom, and degenerated into the realm of a despot. But her barons again rescued her, as their ancestors had rescued her in the two preceding reigns; and they had also the wisdom to see clearly that further limitations of royal power must be obtained, in order

The liberty of England again rescued by her barons.

to assure the old safeguards of freedom, which now were menaced.

The patriot Earls of Hereford and Norfolk.

Humphrey Bohun, Earl of Hereford, Lord High Constable of England, and Roger Bigod, Earl of Norfolk, Marshal of England, are to be honoured as having assumed and fulfilled the perilous duty of heading the nation's opposition to the imperious will of its great though erring king.*

Their opposition to the King.

The immediate topic, which brought on a collision between them and Edward, was his command to them to sail with their feudal retainers to Guienne, and take part in the war there against the King's enemies, while Edward himself led another English force into Flanders. They refused to join the expedition to Guienne, alleging that by the offices which they held they were bound to serve only where the King commanded in person. Edward inveighed against them in furious words, and with violent menaces for their refusal, but he was met by language as resolute as his own. The two earls withdrew from the King's court, and were followed by so large a number of the English nobles and knights, that it was evident that they could not be punished or coerced into obedience without a civil war. Edward mastered his anger. His officers discontinued the forced requisitions which had caused so much national discontent. The King himself repaired to the capital, and there addressed the assembled citizens. The very fact of his so appearing before

Edward gives way.

The King's address to the citizens of London.

* "I do not know that England has ever produced any patriots to whose memory she owes more gratitude than Humphrey Bohun, Earl of Hereford and Essex, and Roger Bigod, Earl of Norfolk. In the Great Charter, the base spirit and deserted condition of John take off something from the glory of the triumph, though they enhance the moderation of those who pressed no further upon an abject tyrant. But to withstand the measures of Edward, a prince unequalled by any, who had reigned in England since the Conqueror, for prudence, valour, and success, required a far more intrepid patriotism."—Hallam, Middle Ages, vol. iii. p. 2.

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such a public meeting was no slight acknowledgment of the growing importance of popular opinion, and of the influence which the merchants and traders of London could exercise in political movements. Edward skilfully refrained from any haughty assertion of his prerogative, and professed that no one regretted more than himself the burdensome taxes, which the dire necessity of the times required him to levy for the preservation not only of the royal crown, but of his people's lives, from French enemies, and from Welsh and Scottish rebels. Then he pointed to the youthful Prince Edward, who stood by his side, and said, "Behold I am going to risk my life in battle for the sake of my people. If I return, I will make amends for all former harsh measures. If I fall, let my son be your king. Be loyal to him, and his gratitude will ensure you a due recompense." Edward's appeal to the feelings of his audience, and his show of confidence in them, produced an instantaneous effect, and loud shouts of applause were the reply.

Trusting in these appearances of revived popularity, Edward proceeded on his expedition to Flanders. But before he embarked he received a document that gave far more important evidence as to the real state of the feelings of the nation, than could have been furnished by the scene of temporary excitement in his favour at London. This document purported to be a grand remonstrance of the Archbishops, Bishops, Abbots, and Priors, the Earls, Barons, and all the Commonalty of the realm. They complained in it, among other things, that the King had repeatedly violated the liberties assured to the people by the Great Charter and the Charter of the Forest, and they told him that his evil tax upon wool was intolerable, and that the expedition on which he was about to embark was not for the

The first grand remonstrance.

country's good, as it would leave the land exposed to the ravages of the Welsh and Scotch. The leaders of the national opposition to Edward did not limit themselves to words and manifestoes. Two days after the King had sailed for Flanders, the Earls of Hereford and Norfolk, accompanied by many other nobles, appeared before the King's treasurers and the officers of his exchequer in London, and in the name of the whole baronage of England, forbade the further collection of illegal taxes. The Council of Regency, whom Edward had left in England to guide the young prince in administering the government, had not the power (and many members of it had not the wish) to carry into execution the orders which King Edward at first sent them from Flanders, and by which he required the taxes to be peremptorily levied. The mercantile and trading communities were as zealous on the side of the opposition earls, as was the great body of the landowners both small and great. A Parliament was convened by the young prince, as regent, to meet at London in October. The tidings of the overthrow of the English power in Scotland by Wallace at the battle of Stirling (fought in the September of this year) must have furnished another urgent reason for calling the Great Council of the Realm together. The Earls of Norfolk and Hereford attended, after having required and obtained securities for their personal safety.

Edward sails for Flanders.

The earls forbid the collection of illegal taxes.

Parliament convened by the Prince of Wales as regent.

At this Parliament the important constitutional statute called "The Confirmation of the Charters" was enacted. It began with affirming the provisions of the Charter of Liberties and the Forest Charter; it ordered them to be published and read to the people by all the King's sheriffs, and copies of them to be kept in every cathedral church, and read to the congregation twice a year. Sentence of excommunication was to be

The statute "Confirmatio Cartarum."

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pronounced against all who should break them; and the judgment of any temporal court, which was contrary to them, was to be held null and void. The statute had thus far provided for the maintenance of the people's ancient rights. It then proceeded to establish a new popular right of the most important nature, and to place all the subjects' property under the protection of Parliament. We have seen before * that the original framers of the Great Charter had designed to give to the merchants and the traders of the town communities an equal safeguard with that given to the landowners of the realm against royal rapacity; but that, by some unexplained artifice or mistake, the words, which the preliminary articles of the Great Charter contained in favour of cities and towns, were omitted when Magna Carta itself was drawn up and sealed †. Hereford and Norfolk now rectified that omission, and also the no less remarkable omission, in the Great Charter as issued by Henry III., of the provision in John's charter for summoning the Great Council for the grant of aids to the Crown, The fifth and sixth chapters of the "Confirmatio Cartarum" recite the late taking of "aids, tasks, and prises," and ordain that in future the king shall on no account take such manner of aids, tasks, or prises, except "*by the common consent of all the realm, and for the common profit thereof.*" Some accompanying words, which reserve to the Crown its ancient aids and prises, are explained ‡ to mean the old aids due on knighting the king's eldest son, and the like, which are spoken of in the clauses of the Great Charter, and the king's right to take the goods of felons and outlaws, deodands, waifs and strays.

Gain of a new popular right.

Taxation only by consent of all the realm.

* See p. 348, *supra*.

† See p. 348, *supra*.

‡ See Coke, 2 Inst. p. 529.

This great Statute (well termed by Hallam "another pillar to our Constitution, not less important than the Great Charter itself"*) was drawn up in the form of a Charter, and was sent over to Flanders, that King Edward himself might become a party to it. This accordingly was done by Edward placing his seal to it at Ghent, on the 5th day of November, in the 25th year of his reign; as is recorded at the end of the statute itself. On the King's return to England, the barons required that he should renew his confirmation, the probable reason for this demand being their suspicion that the grant at Ghent might be held invalid, as having been made by the King while out of the King's dominions. Edward promised to give the solicited ratification; but he put it off from time to time, under pretext of the urgent prior duty of quelling the Scottish insurrection. He was also repeatedly requested by his barons to cause measures to be taken, which should check the illegal encroachments of the officers of the King's Forests, and should restore to their lawful owners the lands, which had been wrongfully afforested during his reign. These matters were so pressed on him in a Parliament held at London in March, 1299, that, after some vain attempts to evade the subject, Edward issued a new ratification of the Charter, but added to it a saving clause, by which he stipulated that all this should be without prejudice to the rights of the Crown. This reservation, if it had been acquiesced in, would have rendered illusory not only the confirming Charter, but also the ancient Charters themselves. The temper of

The King is required to renew his confirmation of this Charter.

He ratifies it with a saving clause.

* Reeve also (History of the English Law, vol. ii. p. 102) well refers to the Confirmatio Cartarum as "the first mention in the Statute Book of a renunciation of right to levy money on the subject without consent of Parliament. There had been a like declaration in the charter of John; but we have seen that it was omitted in that of Henry III."

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the people on the subject was soon unmistakeably displayed. The citizens of London were assembled by the King's orders, and the King's proclamation was read to them by the sheriff. The earlier part of it, which professed to recognise and assure the national liberties, was received with applause, and blessings on the royal granter; but when the concluding clause was read, by which the King made all these things subject to his own prerogative, the people cursed him bitterly and loudly. At the same time the two earls, with many of the other nobles, left London in a body, with the obvious purpose of preparing means of resistance. Edward took warning, and receded from the perilous path of arbitrary rule, while there was yet time. The Parliament was recalled, and the King granted the sought-for confirmation, without the addition of the insidious and fatal words. As dissatisfaction was still felt at the delays made in the surveys for determining what was forest-land, and what had been taken in by encroachment, Edward directed writs to be issued to the sheriffs of England, which he commanded them to publish in every place of public resort, whether city, borough, or market town. In these writs the King addressed his people, and told them that he considered himself to be hardly dealt with by them, by reason of their pressure and importunities. He assured them that his delays in completing the measures which they desired, were caused only by the many and difficult troubles of the state. He promised them that all this should have a speedy end, and requested his people not to believe the reports to his disadvantage, which were spread abroad by mischievous persons, who sought to awaken strife between the sovereign and the nation. Whatever we may think of Edward's

Indignation of the people.

Edward gives an unconditional ratification.

The King's addresses to the people.

sincerity, or of his real love of arbitrary power, it is impossible not to observe how far he was in advance of the general spirit of his age in discerning the importance of public opinion, and how skilfully he strove to prevent the permanent alienation of the great masses of his subjects from his side.

While thus sagacious in perceiving where and how to yield, and in avoiding the obstinacy by which weak Princes think to show their strength in disputes between the rulers and the ruled, Edward kept equally clear from the fault of being unable to stop in a course of concession, and to make a firm stand at a fitting time. When in the Parliament at Lincoln, in 1301, the nobles, who had opposed his domestic policy, made new demands on him, which were not warranted by any adequate cause, and which, if complied with, would have transferred an undue amount of power from the Crown to the aristocracy, Edward resisted promptly, firmly, and with success. They required the King to give to Parliament the right to appoint the Chancellor, the Chief Justiciary, and the Treasurer. Edward replied with spirit, "Why do you not demand the crown itself? As well take it from me as make it a shadow. The King, while I am King, shall appoint his own officers. If any of my officers commit wrong, accuse him, and I will give redress." The barons were sensible that they had gone too far; and this project for "dismembering the crown" (the phrase which an old chronicler, Langtoft, places in the King's mouth) fell entirely to the ground.

The King withstands other demands of the nobles.

Other renewals and confirmations of the Charter were granted by Edward in Parliaments held during the last years of his reign.* But the King bore

Other confirmations of the Statutes.

* One of these confirmatory statutes, termed the "Articuli super Cartas," passed in Edward's twenty-eighth year, created a remarkable elective magis-

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1304.

Illegal talliage in 1304.

The King petitions the Pope to absolve him from his oath to keep the Charters.

these limitations on his power unwillingly; and seems to have cherished the desire, if not the design, to free his prerogative from such fetters. In 1304, he took the bold step of imposing a talliage on all the crown cities and boroughs of his own sole authority; and, towards the close of that year, he petitioned the Pope to release him from the obligation to observe the concessions made by him in confirming the Charters. There is a melancholy contrast between the Prince Edward of 1260, who refused to imitate his father's example, and who recognised solemn promises as things from which no Roman Pontiff could release the conscience and the honour, and the same Edward, near the close of his life, seeking such dispensation from pledges to which his kingly word had been given so solemnly and so repeatedly. But, though the Pope sent the wished-for Bull,* it does

tracy for punishing offenders against the Charters. It ordains that "there shall be chosen, in every shire court, *by the commonalty of the same shire*, three substantial men, knights, or other lawful, wise, and well disposed persons, which should be justices sworn and assigned by the king's letters patent under the great seal, to hear and determine, without any other writ but only their commission, such plaints as shall be made upon all those that commit or offend against any point contained in the aforesaid charters, in the shires where they be assigned, as well within franchises as without, and as well for the king's officers out of their places as for others; and to hear the plaints from day to day without any delay, and to determine them, without allowing the delays which be allowed by the common law. And the same knights shall have power to punish all such as shall be attainted of any trespass done contrary to any point of the aforesaid charters where no remedy was before by the common law, as before is said, by imprisonment, or by ransom, or by amerciament, according to the trespass."

Alleged statute "De Tallagio non Concedendo."

* This document seems to me to clench the proof against the authenticity of the supposed statute "De Tallagio non Concedendo." This is placed in our common editions of the statutes as if passed in the thirty-fourth year of Edward's reign. It professes to prohibit generally the levying of any talliage or aid without consent of the prelates, nobles, burgesses, and other freemen of the commonalty of the realm. It was printed among the old statutes in 1532, and was long regarded and cited as a genuine statute, and is referred to as such in the celebrated Petition of Right in Charles I.'s reign, which will presently require much of our attention. The principal reasons for considering that the document, which

not appear that Edward made any public use of it. Some lingering or some reviving spark of the better spirit of his youth may have shamed him from such treachery. The Charters were left by him to his successors unimpaired and undisputed; and they have continued to form the corner-stone of the English Constitution.

The Constitution fully founded by the close of Edward I.'s reign.

In the opinion of those whose judgment on such topics is of the highest authority, it is from the reign of Edward I. that the English Constitution is to be dated, if we understand as the main principle of that Constitution that it is a government by king, lords, and commons.* We have evidence from writs still preserved, that twelve Parliaments were held by Edward I., which comprised representatives of the principal cities and towns, representatives of the freeholders in each county, as well as the nobles and prelates who attended in person. We have no reason to believe that the writs of summons issued in this reign have in all cases been preserved, or to regard those twelve Parliaments as the only complete Parliaments held during this reign. There is indeed strong evidence to the

Frequent summoning of Parliaments.

appears in the statute book under the title of "De Tallagio non Concedendo" is not a genuine statute, but a mere kind of abstract or epitomised translation of the "Confirmatio Cartarum," will be found in Sir W. Blackstone's Essay on the Charters. See also Thomson's Historical Essay on Magna Carta, p. 441, and Hallam's Middle Ages, vol. iii. p. 4.

It seems to me impossible that this statute "De Tallagio non Concedendo" could have been passed before the end of 1304, when Edward applied to the Pope for dispensation. Had it been then in existence, it certainly would have been referred to in the Pope's dispensing Bull, in some manner similar to that in which he refers to Edward's grant while in Flanders of the "Confirmatio Cartarum," and to Edward's renewal of that grant after his return to England.

It seems equally impossible that it could have been passed after 1304, or indeed at any time after the end of 1298, for the reason given by Thomson, that it professes to grant the pardon of Humphrey Bohun, who died on the last day of 1298. See Thomson, p. 442.

* See Hallam's Middle Ages, vol. i. p. 2. Guizot's History of Representative Government, part 2, sect. xiii.

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contrary in the words of a statute passed early in the following reign (15 Edw. II. 1322), which reprobates certain then recent proceedings, and declares that "the matters to be established for the estate of the King and of his heirs, and for the estate of the realm and of the people, should be treated, accorded, and established in Parliament, by the King, and by the assent of the prelates, earls, and barons, and the commonalty of the realm, *according as had been before accustomed.*"

Representation of the Commons fully recognised.

This certainly proves that the doctrine of a parliamentary government, in which the commonalty took part, was then regarded as a long-established and time-honoured principle; and if we couple the words of this statute with those of the Confirmatio Cartarum (already cited), which require *the common consent of all the realm* for taxation to be lawful, we can hardly doubt that "the necessity of parliamentary consent, both for levying money and enacting laws,"* and also the necessity of the commons supplying members of the Parliament which gave such consent, had become recognised constitutional rules before the close of the reign of Edward I. Exceptional acts of arbitrary power (such as Edward's imposition of talliages in 1304) do not disprove the existence of those rules; nor is the establishment of parliamentary government during the first Edward's reign to be denied, because we find that he often summoned Great Councils, composed only of the prelates and nobles. The right mode in which we should view these assemblies is pointed out by Guizot. At first no definite legal distinction existed between the powers exercised by the King with the assent and advice of his Baronial Councils, and those exercised by him with the concurrence of those larger assemblies, in which repre-

The great Councils.

* Hallam's Middle Ages, vol. iii. 233.

sentatives of county freeholders and of boroughs had seats, and to which alone we should give the title of Parliament, according to the modern acceptation of the word. But it became Edward's usage to convene those larger bodies, those full Parliaments, when subsidies were required by him.

Grants of money not the sole objects for which Parliaments were summoned.

And this, the grant of money, though the most frequent and perhaps the chief purpose for which the commons were summoned to Parliament, was not the only one. "Whenever business arose of so great importance that the concurrence of a great number of interests was judged necessary, the great Parliament was assembled, and by this course its range of deliberations became more extended, and it assumed a greater consistency."* This development of parliamentary power is not to be regarded as accidental, or as unexpected, or as undesired by Edward himself. Early in his reign he avowed the noble maxim that "What concerns all should be by all approved; and common dangers should be met by remedies provided in common;" and, at a later period, when replying through the Archbishop of Canterbury to a Papal demand, the King avowed that, "It is the custom of the kingdom of England that, in matters which regard the state of the realm, the advice of all those interested in the matter should be taken." Edward I. deserves to be regarded, as the chief institutor of parliamentary government in this island. The example of summoning representatives of all free classes of the commonalty to the Great Council of the State had been undoubtedly set by Simon De Montfort;† but Edward made the convening of each Parliament the regular custom of the kingdom under the orderly rule of its lawful sovereign, and not a mere anomalous and exceptional result

Edward's maxim that the opinion of all should be taken for the good of all.

* Guizot.

† See p. 348, *supra*.

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of civil warfare, and of the temporary supremacy of a victorious insurrectionary chief. We must also bear in mind that this admission of the people to a share in the government was a voluntary concession on the part of Edward, at least during the early and the greater part of his long reign. He might easily, when he came to the throne, have discarded the Leicester model of parliament as a revolutionary novelty. He was under no obligation, moral or legal, to revive it. Its re-institution and continuance were not demanded, or even requested of him by either the nobility or the commonalty of the land. Yet he not only repeated De Montfort's experiment, but he so systematized and matured parliamentary government in England, that in the last years of his life, when he had grown peevishly impatient of checks on his will, and moodily fond of the exercise of unrestrained power, he felt himself compelled to draw back from a contest against the national liberties which he himself had nurtured; and he even yielded to the necessity of giving to those liberties express confirmation and material increase.

High merit of Edward I. in establishing the people's right to a share in the Government.

There are two very important rules in our parliamentary system, which we cannot find anywhere expressly ordained or declared by statute or by charter, but which had become practically settled by the time of Edward II.'s accession. The first of these is the election of the Knights of the Shires, who sat in parliament (the "county members," according to modern phrase), by all the freeholders of the respective shires, and not exclusively by those tenants-in-chief, who did not receive separate writs, as greater barons of the realm. The language of the clause in the Great Charter of John for the summoning of the General Council of the realm would seem to have intended that only the king's tenants-in-chief should have the means of

The elections of Knight of the Shire.

making their wishes known in that assembly; and it is further to be observed that there is nothing said in the Charter about representation; there is no provision for any of the minor tenants-in-chief being elected to act for the rest. But we know for certain, that the practice of two knights or more being chosen to act in important state matters was early prevalent, and we know that these elections were made at the county courts, which were attended by all the freeholders of the shire, and not by merely those who held *in capite* of the sovereign. We can, therefore, readily understand how the principle of acting by representatives was extended to parliamentary duties, so far as regarded the great mass of the landowners, and how the same men, who at the county courts elected knights of the shire for various other public purposes, took part also in these elections when the object was to send representatives to the General Council of the realm.* Leasehold tenure at this time was rare, and copyhold tenure had scarcely begun to emerge out of serfdom. The amount of personal property held by those, who were not traders and dwellers in towns, was insignificant. It follows, therefore, that nearly all the free rural population, who were not mere labourers, but men of some substance, had a voice in the choice of knights of the shire, and had thereby a share in expressing in Parliament the desires and opinions of the commonalty of the realm.

The fact of the knights of the shire being chosen by the general body of freeholders, and not exclusively by the royal tenants-in-chief (who must at one time have been likely to form a numerous aristocracy of birth

* I have discussed the subjects of the growth of representative government in England, and of the election of knights of the shire, more fully in the 13th chapter of the Rise and Progress of the Constitution.

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and position, though not of wealth), greatly facilitated the gradual establishment of the rule, that the knights of the shire sit and act in Parliament, not together with the great barons and prelates, and not in a separate chamber, or as a separate estate of the realm, but in conjunction with the representatives of the cities and towns, so that the county members conjointly with the elected burgesses make up the English House of Commons. We cannot fix any precise period as to the date of this most important division of our Parliament. The usage seems in some respects to have varied during the early part of Edward I.'s reign; and it is difficult to speak with certainty on a subject which no contemporaneous chronicler has noticed, and where the inferential arguments from the forms, or from the non-appearance of writs and other documents, are scanty and conflicting. Some writers take the beginning of Edward III.'s reign as the earliest time at which we have proof of the Houses being divided as at present. I rather adhere to the general opinion, that the Commons, consisting of knights of the shire and of burgesses, sat and deliberated apart from the higher body of the assembled prelates and great barons before Edward II. had come to the throne.*

The knights of the shire and the burgesses jointly make up the House of Commons.

The division of Parliament into Two Houses.

It is also very important to observe what was done to recognise and establish not only the general power of Parliament collectively, but also the necessary elements of which it was composed.

The estates of Parliament.

* See on this subject Hallam, vol. iii. 37.

Mr. Hallam, in his second volume (p. 343), rightly, as I believe, considers it to have been established in England by the end of Henry III.'s reign, that all except the peers [that is, the great barons] were Commoners, and equal in the eye of the law. It seems natural that knights of the shire and burgesses, being thus equal in the eye of the law, would have been so grouped together in Parliament, and both knights and burgesses would, as Commoners, have been kept separate from the other two estates of the realm, the Lords Spiritual, and the Lords Temporal.

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The Lord's Spiritual.

The Lords Spiritual, that is to say, the bishops, and the abbots and priors who held lands of the Crown by baronial tenure, formed a portion of our early parliament, important by reason of their number, which was generally, if not always, greater than that of the lay barons, and still more important by reason of the superiority which the clergy of those days possessed in general over the laity in learning. The greater part of the King's chief ministers, his Chancellor, his Keeper of the Privy Seal, his Master of the Rolls, his Chancellor of the Exchequer, his Treasurer, and others, were almost invariably churchmen. It has been acutely, and, I think, correctly, pointed out by the biographer of the Primates of England that, instead of the common expression that the churchmen of those days coveted and sought to monopolise the high offices of State, it would be more correct to say that the men, who intended to make politics and office-bearing their profession, took Orders as the means whereby they might obtain payment for their services. The salaries and fees, which the chief ministers of State received as such, were small or nothing. The King had seldom money of his own with which a favourite statesman might be maintained and enriched; but, if the statesman would become an ecclesiastic, the King could, at no cost to himself, heap on him livings, abbacies, and bishoprics, until he became wealthy to his heart's desire. The solemn obligation on a clergyman of personally attending to the discharge of his spiritual duties was little heeded in those ages. Performance by deputy was considered quite sufficient.*

The King's ministers generally ecclesiastics.

Statesmen took Orders as the means of getting paid.

Hence the very clerical element in the Parliament contained within itself a strong lay element, and one

* See on this subject Hook's Archbishops of Canterbury, vols. iii. and iv. *passim*; especially vol. iii. p. 14, *et seq.*, and vol. iv. p. 70.

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Influence of the Crown when exerted among the Peers.

Instance of Edward's great minister, Bishop Burnell.

generally devoted to carrying out the Royal Will. King Edward's greatest minister, the Chancellor Burnell, may be instanced as one of the class to which we have referred. Robert Burnell was a younger son, though of good family. Early in life he studied and practised with distinction and success both the Civil and the Common law. He attracted the notice of Edward; while the latter was Prince, he acted as the Prince's confidential adviser, bearing the title of the Prince's Chaplain. To hold the office it was of course necessary for him to enter Orders; and Robert Burnell accordingly became an ecclesiastic. He accompanied Edward to the Holy Land, and when the Prince returned here as King, Burnell was made Chancellor. It was under his immediate care, and by his skill as a practical lawyer, that the great legislative reforms and establishments of Edward's first twenty years were prepared and enacted. He also conducted the parliamentary proceedings respecting the Principality of Wales and the Kingdom of Scotland. To use our modern phrase, he was Prime Minister of England until his death in 1292. His rewards for these services were the Archdeaconry of York, and the Bishopric of Bath and Wells. From these he amassed so much wealth, as to provoke the censorious observations of some of his contemporaries.

Any biographical account of our chief statesmen and lawyers during the 13th and 14th centuries will furnish numerous more instances of the kind. I pass on to the other high branch of our Parliament, which has been of more enduring importance than that of the Lords Spiritual, to our Hereditary Temporal Peers, who are generally classed together with the prelates and abbots in our early statutes and official documents. It has been already pointed out how the Great

The Temporal Peers.

The Great Barons.

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Charter established the distinction between the more powerful and opulent barons (the Majores Barones), each of whom was entitled to be individually summoned to the Great Council of the realm, and the mass of the poorer military tenants-in-chief, who were to be summoned by writs addressed to the sheriff of each county, and who obeyed the summons by electing at each County Court two persons as Knights of the Shire to represent them. The Great Barons (to whom alone the title of barons was soon understood to apply, except in certain special cases) became the hereditary Peers of England. Their rank as Peers of Parliament certainly arose at first from their tenure of their baronial estates;* and inasmuch as these estates almost always descended to the heir of the last tenant, the incident of descent by heirship was looked on as a necessary quality of peerage, without any formal enunciation of the principle, in charter or in statute. The right to devise, that is to will away landed property, did not then exist: and alienation *inter vivos* must have been rare in ages when there were few or no capitalists to become purchasers. Each Great Baron was fully entitled to receive the King's writ to each Parliament; but there seems to have been considerable irregularity in the practice of our Kings as to following this unquestionable, and (I believe) unquestioned rule. Afterwards a constitutional maxim grew up, that the King's writ of summons, if the summoned baron took his seat in pursuance of it, conferred on the baron an estate in the dignity and privileges of a peer, which ennobled his blood, and descended to his lineal, though not his

Hereditary Peers. Peers by baronial tenure.

Peerage by King's writ.

* On all subjects connected with the origin and development of our House of Peers, the student of the Constitution will find great advantage from reading the debates in the House of Lords in 1856 on the Wensleydale Peerage. See especially Lord Lyndhurst's speech, Hansard, vol. cxl., p. 263, and that of Lord St. Leonards, p. 296.

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collateral heirs. I do not, however, think that this can be safely said to have been established at any period of the 13th century; * and the practices of creating Peers in Parliament and by patent are clearly of much later date.

Persons not barons summoned by writ.

Besides the Spiritual Peers and the Great Barons, certain laymen, who do not appear to have been holders of land from the Crown, were from time to time specially summoned to the early Parliaments, and are supposed to have sat together with the territorial barons. The precise rights in Edward I.'s time of persons so summoned are uncertain. I think the safest opinion is that they did not (at that period) acquire an hereditary peerage, or even a personal right to be summoned to subsequent Parliaments, but that they had full right of voting in the Parliament which they did attend, and that they were not merely present to give advice if called on.† Their number never appears to have been such as to enable them to outvote the ancient territorial peers, nor does their occasional introduction seem to have occasioned any offence.

Blessing to England of having a nobility.

The great fact is clear, that the bulk of the temporal peers were barons, holders of large territorial property, and that their rights as peers descended to their heirs, as their lands did. The constitutional benefits which England has received from this her ancient nobility, especially in early times, have been very great; and they have been eloquently acknowledged by our ablest statesmen and historians in modern times. Surely some amount of gratitude is due to the King who materially strengthened the power and ensured the

Praise due to King Edward.

* See, however, the words of Lord St. Leonards at pp. 298, and 310, of the cxl. volume of Hansard.

† See Hallam, vol. iii. p. 123, *et seq.*

long continuance of the English hereditary nobility by the two great statutes in favour of entails and against sub-infeudation, of which we shall soon have to comment, while reviewing Edward I.'s legislation.

England never cursed with a noblesse.

While England has thus been blessed with a nobility, she has never been cursed with a noblesse. It is a proud poverty of our language, as the language of freemen, which compels us to use an un-English word to express the essentially un-English idea.* The political rights of nobility have been among us limited to the actual possessors of each peerage, who have never been numerous enough to excite the jealous ill-will of the mass of the people. All freemen, except the actual peers, have been equal in the eye of the law, and all have blended in the commonalty of the realm.

* "We have never, like so many nations of Continental Europe, been cursed with a classification of our people into '*Noblesse* and *Roturiers*,' or anything analogous to those un-English words. We have thus escaped both the insolent oppressiveness which privileged *castes* practise on the masses below them, and the savage excesses by which those masses, when the hour of revolution arrives, retaliate for the wrongs and insults of centuries. To say of an Englishman that he is a commoner, or one of the people, has never been a reproach. The word "People" has always among our nation involved a sense of respect. Whereas, in France, in modern Germany, and in other countries, where there has been a very numerous nobility communicating their privileges to all members of their families, and all arrogantly keeping aloof from those not of their class, the corresponding words sank into terms of contempt. In France, before the first revolution, the higher orders used the word "People" in a disdainful sense; and the German words "Volk" and "Nation," became in Germany vilifying invectives. On the other hand, the word "People" in England has never, even in times of the greatest political violence, been associated with the feeling of horror which the sound of "People" inspired in France during the time of her first Republic. That avoidance of invidious classification, that establishment of the legal equality of freemen, which our ancestors in the 13th century so prudently established, have, more than any other human cause, secured for England her long career of progessive prosperity and power, and her comparative immunity from disorder and civil strife."

This is an extract from a little sketch which I wrote many years ago entitled "The English Nation, whence we are, and what we are." It was chiefly taken from Professor Lieber, on Liberty and Self-Government, p. 306, and Hallam, vol. ii. p. 343.

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Edward I.'s merits as a legislator.

The deep obligation of England to Edward I. as a legislator is a matter beyond all controversy; and one which even the historians most hostile to his fame have not attempted to gainsay or disparage. All the ablest professional writers on English law, from Lord Coke and Sir Matthew Hale to Lord Campbell, vie with one another in eulogising this King for the sagacity shown by him and the care taken by him throughout his long reign in improving the laws of the land, and in ensuring the righteous and strict administration of justice throughout the dominions committed to his charge.

There is a practical interest in studying the laws of this King, inasmuch as they are the foundation (and often much more than the mere foundation) of the most important parts of our law at the present time. Many of Edward's enactments were not only wise and just with reference to the wants of the generation then in being; but they were and are national treasures. Lord Coke says that his statutes "may justly be styled ESTABLISHMENTS, because they are more constant, standing and durable laws, than have been made ever since." It would be easy to multiply similar quotations from Hale, Blackstone, and others. Perhaps Lord Campbell, writing in our own days, gives the most emphatic and decisive testimony on the point. He designates the reign of Edward I. as "the era when our judicial institutions were firmly established on the basis on which with very little alteration they have remained to the present day." "Edward I. not only systematised and reformed the principles of English jurisprudence, but finally framed the courts for the administration of justice as they have subsisted for six centuries." *

The statute of the Confirmation of the Charters,

* Lives of the Chief Justices, p. 70.

His constitutional laws.

which is the Act of paramount constitutional importance in the legislation of this reign, has already been described. Two other statutes, also of high political character, one the Statutum Walliæ, which gave a constitution to the lately conquered principality of Wales, and the Ordinatio pro Statu Hiberniæ, by which an attempt was made to reform the abuses and disorders prevalent in the government of Ireland, cannot receive a detailed description here; but they deserve attention as testimonies of the enlightened and just spirit of the sovereign by whom they were enacted.* Our attention must rather be given to the legislation of this reign which more directly affected England. And when we call to mind the prominent part in the furtherance of constitutional freedom, which was taken by the English barons during the thirteenth century, we shall turn with especial interest to the legislative measures which tended to consolidate and to continue the power of the great landowners, who at that time were identical, or nearly so, with the great nobles. Two statutes were passed in Edward's reign by which the landed aristocracy were signally benefited. The first of these (the statute "De Donis") is a signal proof (and must also in itself have been to a great extent an efficient cause) of the strength of the aristocratic element in our national institutions, and in our national character. The wish for the existence of a territorial nobility, and of a territorial gentry, respect for ancient lineage, a desire that considerable estates may be kept together in single hands,—these are feelings by no means confined to the classes that are directly benefited by their prevalence. Very ancient also and very widespread is the English veneration for

Statutes strengthening the landed aristocracy.

* See a good account of them in Reeve's History of the Law of England, vol. ii. p. 83, *et seq.*

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landed property as compared with all other property.* Many may argue against these opinions, many may deride them, but there are very few of us who are wholly insensible to their influence.

The statute "De Donis."

The statute "De Donis" (passed in the thirteenth year of Edward's reign) enabled the owners of land to "entail" or settle their estates on their descendants, so that the property should be kept permanently in the family. No holder of the entailed land could alienate it, or encumber it for more than his own life-time; and even if he was guilty of treason, the heir's right to succeed to the estate was not affected. This law for the maintenance of the great families (as the unchecked system of entail has been truly called) was in after ages considered excessive, and means were devised for abridging and evading its provisions. But at the time when it was passed, the existence of a strong aristocracy as the main counteracting force to the power of the Crown (that of the Commons being yet immature), was an incalculable advantage to England. I see no reason whatever for speaking, as some modern writers have done, of Edward having conceded this statute to his nobles "unwarily." The same writers describe him on all other occasions as circumspect and sensible; and, when they wish to blacken his character with imputations of treachery towards the Scots, they represent him as a consummate master of policy and state-craft. He must be taken to have acted advisedly and deliberately when he strengthened the baronial power in England by this new law respecting entails. And when we have regard to his kingly position relatively to the great landowners, and re-

* See the note at the commencement of the 4th chapter of Mr. Kemble's Saxons in England. "Personal property was not reckoned in the distinction of ranks, although land was. No amount of mere chattels, gold, silver, or goods, could give the Saxon franchise."

member also how often and how severely his father and his grandfather had been opposed and curbed by their barons, we ought to regard this portion of Edward's legislation as a remarkable instance of generous as well as enlightened patriotism.

The statute "Quia Emptores."

The other statutory augmentation of the power of the aristocracy of landowners in this reign was effected by the Act called usually the statute "Quia Emptores," passed also in the thirteenth year of Edward's reign. It has been chiefly considered memorable in after times as having completely put an end to subinfeudation. Such certainly has been its most important and permanent effect; but it also operated at the time materially in behalf of the "magnates" in whose favour it professes by its recital to have been passed. The great lords considered themselves aggrieved by their feudal tenants alienating their lands on terms that the new possessors should hold of themselves, the alienators, and not of the superior lords. By this practice the chief lords were deprived of the feudal services and privileges; and they sustained probably a loss in social and political influence greater than the defalcations made in their pecuniary seignioral emoluments. An attempt to check this had been made by the introduction of a clause in the Great Charter, when re-granted by Henry III., which ordered that no freeholder should give or sell so much of his land, as not to leave enough in his own hands to answer the services which he owed to the lord of the fee. This enactment had proved ineffectual; and the new law ordained that, while in future every freeman might grant or sell at his pleasure his land or tenement, or any part thereof, the new owner should hold the land of the original chief lord, whose right to the old services and feudal claims should be unaffected by any change of tenants.

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While Edward thus upheld and confirmed what we may term the constitutional rights of the great nobles, he was vigilant in repressing all disorderly violence on their part, and all interference with the lawful rights of others. A brief but very important chapter of the Statute of Westminster the First (passed in the third year of Edward's reign), declares that elections ought to be free,* and that the King commands, on pain of grievous forfeiture, that no great man or other by force of arms or menace disturb any from making free election.

Enactment for freedom of elections.

Many things are recorded of him, that show his earnest vigilance in upholding the majesty of law, and in suffering no man, whatever his degree, to set himself above the plane of equal justice. Litigants of high rank, who had used insolent expressions towards the judges, were imprisoned, and compelled to ask forgiveness from those whom they had insulted. The King's own son was rebuked and banished from his father's presence for misconduct of this nature. When two knights, who had wished to decide a quarrel between them by a duel, but had been forbidden by the King to do so, crossed the sea to France and fought together out of the English dominions, Edward caused one of them, who returned to England, to be instantly arrested and brought to trial. He was convicted, apparently of felony, and sentenced to death, but was pardoned by Edward, on petition. As might be expected, an attempt which was made by two of his barons to carry on a private war against each other, according to what was considered in continental Europe

Edward's zeal for upholding the majesty of law.

* "A more important object perhaps than it is even at this day; for at that time sheriffs, coroners, and other officers who had great sway in the administration of justice, were all elected by the people."—Reeve, Hist. Engl. Law, vol. ii. p. 109.

to be the right of noblemen under the feudal system,* was promptly and vigorously repressed. The offending nobles were the Earls of Gloucester and Hereford, two of the most powerful men in the kingdom. They were brought to trial, and severely punished. This was in 1292. This example of vigorous and even-handed justice was apparently sufficient; for we read of no more private wars in Edward's reign; although in 1304 and 1305, while the King was occupied with the affairs of Scotland, associations of armed men were formed in many parts of the country, who bound themselves to stand by each other in all acts and adventures; and who were ready to hire themselves out to make attacks on persons and on property. As one of the old chroniclers remarks, this would have soon led to war, but Edward crushed the evil at once, by appointing what we now should term a special commission, but which was termed the Court of Trailbaston, most probably from the offenders with whom it was to deal, and whose favourite weapon was the bludgeon. The King's justices, who composed this court, proceeded promptly from shire to shire, and brought the gangs of bludgeon-men to speedy trial and execution.

He puts down armed associations.

Before proceeding to consider Edward's general measures for the preservation of the peace, we must advert to another branch of his legislation, which may be properly said to be of a constitutional character, and may be fitly classed next to his laws affecting the nobility. This is his legislation as to the church and the clergy. By far the most important enactment on this subject is the Statute of Mortmain, passed in the seventh year of Edward's reign. It was intended to stop the continued further acquisition by the clergy

Laws regarding the clergy.

The law of Mortmain.

* See p. 321, *supra*.

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of the landed property of the realm, which during the reign of the weak and superstitious Henry III. had been proceeding at an alarming rate of increase. The Great Charter, reissued in the ninth year of that king, contained a clause prohibiting the alienation of land to religious houses, but Edward's statute forbade the alienation of lands or tenements in mortmain by or to any person whatever, and by any act or device whatever. Had the courts of law shown proper sense and firmness in applying this statute, the evil of alienation in mortmain would have been thoroughly abolished. But the ecclesiastics had recourse to the artifice of inducing liberal or superstitious landowners to become defendants in collusive law-suits, in which the ecclesiastical plaintiffs sued for and recovered the lands as their own, no defence being made to their claim. When it was attempted to set aside these proceedings as fraudulent and void, the Common Law judges, in their worse than Pharisaic reverence for their own forms and records, held that a recovery by course of law must be presumed to have been lawful and right; and these mockeries of justice were continued, equally to the disgrace of the clergy, who instituted them, and of the judges by whom they were sanctioned. Still, the Mortmain Statute must have had considerable effect. It took some time before the forms of a collusive action and recovery could be completed; and in the interval the intending donor might die, or might think better of the matter, and refuse his further concurrence. The King interposed to correct the erroneous decision of his judges by an enactment in the thirteenth year of his reign, directing that the demandants or plaintiffs should be compelled to prove their titles, and that if it was found that they could prove

Pedantic scruples of the Law Courts.

none, then the land should go to the next lord of the fee.*

While the king thus guarded against any further augmentation of the already enormous wealth of the clergy, he took measures for preventing the waste and abstraction into foreign countries of the revenues retained by the English religious foundations, and for the employment of those revenues for their proper purposes. The statute "De Asportatione Religiosorum" recites and prohibits the practice of abbots and other heads of religious houses and certain aliens, their superiors, raising sums of money on these establishments, and conveying out of the kingdom the wealth with which the King and his nobles and their ancestors had endowed those houses, to the intent that both clerks and laymen should be admitted to those houses, according to their ability, and that sick and feeble men might be maintained, and that hospitality, almsgiving, and other pious works might be practised, and the souls of the founders prayed for. The Act complains that by reason of these impositions the service of God is diminished, the poor, the sick and feeble are deprived of alms, and the health of the the living and the souls of the dead are miserably defrauded. It orders, under pain of heavy punishment, that in future religious persons shall send nothing to their superiors beyond sea; and that no foreign superiors of religious houses shall levy money or tax in England.

The statute "De Asportatione Religiosorum."

One mode in which the clergy of those ages sought

* Afterwards the ecclesiastics adopted the device of causing the lands to be conveyed to their use, but other persons to be named as the grantees. This, which the courts of law ought at once to have dealt with as an unlawful attempt to do indirectly that which was forbidden to be done directly, was declared to come within the prohibitions of the Mortmain Law by a statute passed in the thirteenth of Richard II.

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to aggrandize themselves over the laity, was by increasing the jurisdiction of the spiritual courts, and denying the right of the temporal courts to control them. This was firmly resisted by the Common Law judges in England; and the statute called "Circumspectè agatis," passed in the thirteenth year of Edward's reign, effectually limited the authority of the spiritual tribunals to matters spiritual, and maintained the rights of the King's court to check them by writ of prohibition if they attempted to deal with other things.

The spiritual courts.

The statute "Circumspectè agatis."

Passing now from those parts of the legislation of this reign which especially affected the nobility and the clergy, we will direct our attention to the laws passed for more general purposes, and we will first see what measures were taken in the way of regulations of police (to adopt a modern term), and what was done for the furtherance of the administration of justice, both civil and criminal, in the realm.

Measures of police.

Edward's principal enactment for the general preservation of the public peace was the Statute of Winchester, passed in the thirteenth year of his reign. It provided an effectual system of watch and ward; and made the inhabitants of each district liable to make compensation for crimes committed there, unless the criminals were brought to justice. Some of the provisions of that statute give curious evidence as to the state of society in those times. It enacted that in great walled towns the gates should be closed from sunset to sunrise, and that no one should be admitted as a lodger into the suburbs between nine o'clock at night and sunrise, unless his host would be answerable for him. The night-watch was to be strictly set at every gate, and any stranger attempting to pass was to be arrested and detained till morning. Another

chapter ordained that all highways leading from one market town to another should be so cleared, that there should be neither underwood, nor bush, nor ditch, for a man to lurk in and do hurt; and this clearance was to be made for two hundred feet on either side of the road. Ash-trees and other great trees were to be spared. If the owner of the land at the road-side would not clear it, he was to be responsible for all felonies committed there; and if murder was done, he was to be fined at the king's pleasure. The statute concluded with a very important provision, requiring each man to keep armour according to his station in life, so that he might be able to aid in maintaining the peace. Another statute required that every man between the ages of fifteen and sixty should be sworn to fulfil this duty,* and all men were enjoined to be ready and apparelled to pursue and arrest felons.†

Civil and criminal legislation.

A detailed account of the improvements made by Edward I. in the administration of the law by the civil and criminal tribunals would far exceed the limits to which I am obliged to conform. It will be most convenient and useful to give a brief sketch of the state in which Edward left the law of England, though I may not succeed in particularising in all cases how much was originated by him, how much was improved, and how much was merely preserved from among older institutions.‡

* 34 Edw. I. stat. 2.

† 3 Edw. I. cap. ix.

‡ The best account of Edward's legislation may be found in Reeve's History of the English Law, vol. ii. chaps. 9, 10, 11. The statutes most deserving attention (after those already commented on in the text) are the Statute of Westminster 1st (3 Edw. I.), chap. xii. as to felons refusing lawful trial, and chap. xv. as to who are and who are not bailable: the Statute of Acton Burnel (11 Edw. I.) for the recovery of merchants' debts: the Statute of Westminster 2nd (13 Edw. I.); chap. x. as to appointment of attornies; chap. xviii. giving creditors executions against their debtors' goods, or half their lands; chap. xix. requiring the payment of intestates' debts;

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The Chief Justiciarship abolished.

Edward put an end to the office of Chief Justiciary, which had at one time overshadowed the throne itself. The great Royal Court, the Aula Regia, over which that functionary had presided, had already been impaired by the erection of the Court of Common Pleas as a distinct tribunal, according to the provisions of Magna Carta. Its powers were now further subdivided.

The three superior common law courts.

Three courts, the King's Bench, the Common Pleas, and the Exchequer, henceforth became the superior common-law courts of the realm. The first of these approached nearest in importance, as in title, to the old Aula Regia.

The Court of King's Bench.

The Court of King's Bench, more fully styled "The Court of our Lord the King, before the King himself," was presided over by the Lord Chief Justice of England, aided by minor, or "puisne" justices. This was the supreme tribunal of criminal justice, and it exercised a general controlling power over all inferior courts, whether spiritual, or civil, or criminal, throughout the realm.

Common Pleas.

Civil causes (except those of small amount, which were decided at the county courts) formed the province of the Court of Common Pleas, which always sat at Westminster, and was presided over by a chief justice and puisne justices.

The Exchequer.

All suits affecting the revenues and money claims of the Crown came before the third court, that of the Barons of the Exchequer.* Besides these high common-law courts,

chaps. xxix. and xxx. as to justices of Oyer and Terminer, and Nisi Prius (see also 27 Edw. I. stat. 1, c. iii. as to justices of gaol delivery); chap. xxxi. as to bills of exceptions; chap. xxxviii. as to jurors; chaps. xxiv. and xxv. as to writs in consimili casu, so that no suitor should depart the King's Court without remedy; the statute 13 Edw. I. chap. ix. as to prohibitions; the statute 4 Edw. I. as to coroners; and 21 Edw. I. c. i. as to jurors.

* The Court of King's Bench dealt with civil actions, if a breach of the peace had been committed. See in Reeve, vol. ii., the record of an action in the King's Bench of trespass for assaulting the plaintiff and forcibly taking his goods. The date of this is the 21st Edw. I. Afterwards this court dealt with all personal actions, by means of the legal fiction of an averment that the defendant had committed a breach of the peace, for which he was in

there was another high court, the Court of the Chancellor, who had formerly been a member of the "Aula Regia," but, now exercised an independent jurisdiction, which rapidly increased in magnitude and importance. The duty of determining on the validity of all royal grants peculiarly belonged to him; and he by his officers was required to issue to applicants for justice the appropriate original process or writ, by which the litigant might commence his suit, that suit being carried on in a common-law court. Besides this and other powers of less consequence, the Chancellor early assumed the important jurisdiction of giving redress on principles of natural equity and fairness to aggrieved parties to whom the common law tribunals could not furnish full and fitting redress.*

the custody of the Marshal of the King's Bench, and being thus within the jurisdiction of the court for one purpose, could be proceeded against in the same court for any other purpose. The defendant was not allowed to traverse or deny these averments. The Court of Exchequer acquired a similar extent of jurisdiction by a similar device. If a man was the king's debtor, he was allowed to sue any person against whom he himself had a claim for debt or damage in the Court of Exchequer, on the hypothesis that by being kept out of his money by the defendant, he himself was less able to satisfy the king's demands. At last any plaintiff was allowed to call himself the king's debtor, and the defendant was not allowed to contradict this, and so the action in the exchequer proceeded. I am not aware of the date of these "legal fictions," but the Statute of Rutland, 10 Edw. I., shows that the exchequer had already begun to entertain causes that did not properly belong to it.

There are some very valuable remarks on these legal fictions, and on legal fictions in general, in Mr. Maine's Ancient Law, p. 26, *et seq.*

* "After much investigation, I must express my clear conviction that the chancellor's *equitable* is as indubitable and as ancient as his *common law* jurisdiction, and that it may be traced in a manner equally satisfactory. . . . By 'equitable jurisdiction' must be understood the extraordinary interference of the chancellor, without common-law process, or regard to the common-law rules of proceeding, upon the petition of a party grieved, who was without adequate remedy in a court of common law; whereupon the opposite party was compelled to appear and to be examined, either personally or upon written interrogatories, and evidence being heard on both sides, without the interposition of a jury, an order was made *secundum æquum et bonum*, which was enforced by imprisonment. Such a jurisdiction had belonged to the Aula Regia, and was long exercised by parliament,

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House of Lords a Court of Appeal.

The right of deciding in all causes as an ultimate court of appeal, which had belonged to the "Aula Regia," was exercised, after the breaking up of that tribunal, by the lords and prelates in Parliament, aided by the advice of the judges. The representatives of the commons took no part in this judicial function of Parliament, which became the exclusive privilege of the House of Peers.

I cannot pause here to describe the Court of the Seneschal, or steward of the King's household, which was designed to determine questions between persons attending the King in his household, but which in those days assumed a much wider jurisdiction—an excess of power which was often burdensome and oppressive to the King's ordinary subjects, and which was curbed by a special clause in the important constitutional statute called "Articuli super Cartas," passed in the twenty-eighth year of King Edward's reign.*

English system of special pleading.

The peculiar principles of our system of pleading were fully established in our common-law courts at this period. Instead of each litigant being allowed to give in a general statement of his case and of his objections to his adversary's case, and instead of the judge of the court then proceeding to determine all

and when parliament was not sitting, by the King's ordinary council. Upon the dissolution of the Aula Regia, many petitions which parliament or the council could not conveniently dispose of, were referred to the chancellor, sometimes with and without assessors. To avoid the circuity of applying to parliament or the council, the petition was very soon, in many instances, addressed originally to the chancellor himself. For some ages the extraordinary applications for redress were received by the parliament, by the council, and by the chancellor concurrently. The parliament by degrees abandoned all original equitable jurisdiction, acting only as a Court of Appeal in civil cases, and taking original cognizance of criminal cases on impeachment by the Commons; but it will be found that the council and the chancellor long continued equitably to adjudicate on the same matters." —Lord Campbell's Lives of the Chancellors, vol. i. p. 7.

* See for a full account of the Seneschal's, Steward's, or Marshal's Court, Reeve, vol. ii. pp. 236, 249.

the questions of fact as well as of law that had arisen, the plaintiff and the defendant (acting, if they pleased, by means of regular professional advocates) were obliged to carry on a disputation (at first verbal, but noted down as it proceeded) before the court, under stringent rules, the object of which was to compel each disputant, after the first statement of the plaintiff's case, to give a distinct answer to his adversary's preceding allegation, either by denying the facts asserted in it, or by admitting their truth, but at the same time bringing forward fresh matter in evidence of them. As no transaction can involve a ceaseless supply of new matter for dispute, it followed that in general the disputants sooner or later arrived at an express issue as to some fact, which one side asserted and the other denied. If the dispute proved to be a dispute as to the legal effect of a fact, which one party alleged to be true, and the other did not contradict, but maintained to be insufficient to entitle its assertor to judgment, he expressly objected to its legal sufficiency, or, as the technical phrase is, he demurred to it. The judges of the court then dealt with the demurrer as being a question of law, and their judgment on the demurrer determined the cause. But if the pleadings ended at last in a dispute as to the truth of facts, the judges did not determine the question of fact; but a body of unprofessional men, called the jury, was summoned to decide it, and finally the court gave judgment according to the finding of the jury on the issue of fact, unless some grave legal error had been committed in the conduct of the cause. As we had occasion to observe in an earlier chapter, determination of issues of fact by the verdict of a jury had been introduced in certain actions in Henry II.'s time, and now this new mode of trial had been found so rational and beneficial that it

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was gradually extended to numerous other cases; and before the end of the thirteenth century it may be safely said to have become the regular and usual mode of trial of disputed facts in cases in the common-law courts of England. Still the trial by battle might lawfully be demanded in many instances, although Edward I. and his judges discouraged it as far as lay in their power. There was, however, another mode of settling rather than of trying disputed facts, almost as iniquitous and irrational as trial by battle, which long survived in many actions as to personalty, and, indeed, has only been entirely abolished within the memory of many now living.* This was wager of law, by which a defendant, in an action of debt or simple contract, and some other actions, was allowed to defeat the plaintiff's claim by denying it on oath, and by producing a certain number of his neighbours, called "compurgators," who swore they believed him.

Trial by battle.

Wager of law.

Trial by jury.

Trial by jury in those times was, and long continued to be, essentially a trial by witnesses, the jurors being carefully summoned from the neighbourhood where the disputed events were said to have occurred, and giving to the presiding judge their "true saying," or verdict, respecting the issue from their own knowledge. This made it peculiarly desirable that the trials of such issues should be conducted in the several counties in which the cases had arisen. Henry II.'s itinerant judges, for the conduct of certain civil trials, had acquired the name of justices of assize, from the "assisa," or jury of the knights, who were made "assessors" to the judges to determine facts. The trying of civil causes in this manner was called holding the assizes, and the Great Charter required that this should be done four

* By a statute passed in the last reign, 3 & 4 Will. IV. c. 42, s. 13. It had long been practically obsolete.

times a year,* a number afterwards reduced to twice, or, at most, three times a year. By the statute of Nisi Prius (part of the second statute of Westminster, passed in the thirteenth year of Edward's reign), juries for the trial of issues of fact were only to be summoned before the court at Westminster in the event of the judges of assize not previously coming into the county where the cause of action arose, which was in effect an enactment for the cause being tried, so far as regarded questions of fact, in the county where the facts of it had occurred.

The Nisi Prius trials.

The judges who made "circuits" through the counties to act as justices of assize and nisi prius were usually (though not invariably) judges of the supreme courts of Westminster, and they were directed to associate with them one or two of the discreetest knights of each county into which they came; and by another statute (27 Ed. I. stat. 1, c. 3), the judges, who tried the civil cases in every county, were required at the close of the civil business to remain and deliver the gaol. If either of the judges was a clergyman, inasmuch as a person in holy orders could not take part in sentences affecting man's life or limb, the lay judge was to associate to himself one discreet knight of the county, and these two were to conduct the criminal trials. We must suppose that due care was always taken not to include two ecclesiastics in the same commissions of assize, nisi prius, and gaol delivery.

The judges on circuit.

Judges of gaol delivery.

Trial by a jury, under the superintendence of one of the King's judges, on whom devolved the decision of all questions of law that might arise, and also the sentencing the prisoner, if found guilty, had now become the regular mode of ascertaining the guilt or innocence of persons accused as criminals. The Normans had put an end to

* Cl. xviii.

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the Saxon practice of trial by compurgation in criminal cases, and they discouraged, though they did not wholly abolish, the equally absurd and unfair system of trial by ordeal. They had introduced (or, at least, they largely extended the practice of) trial by battle as the best mode of settling whether an accused person was guilty or not guilty. But the trial by battle was only practicable where there was an individual accuser, who "appealed"—*i.e.*, charged—the accused party of the offence. The near relative of a murdered man might do this, and in cases of injury not amounting to death, the injured person might institute an appeal of the crime. But the greater number of criminal charges were preferred (at least after the reign of Henry II.) by the presentment of a body of knights or other chief men of the neighbourhood, who were bound to inform the King's justices of all treasons, felonies, and misdemeanors committed within their districts, and to name the persons who were believed to have perpetrated those offences. We see here the original of our modern grand juries. The sheriffs also at that time, and also the coroners, took inquests, whereupon parties might be charged with crimes, and on which presentments were made, which were finally tried before the King's justices.

Origin of the grand jury.

In all these cases of presentment trial by battle was impossible, as there was no individual accuser who could be required to become one of the combatants. Men had become more and more unwilling to have recourse to trial by ordeal; and early in Henry III.'s reign the Church of Rome prohibited the ordeal throughout Christendom, rightly regarding it as a system of trickery and blasphemous impiety. There was then left no mode of trying a prisoner against whom presentment of a crime had been made unless

by having recourse to the trial "by the country," that is, by a jury, which, as we have seen, was now becoming common in civil cases, and which many think to have been a mode of trial always in partial use by the Normans in their administration of criminal as well as of civil law.

Trial by jury becomes the "common law of the land."

But whatever may be thought of the existence of trial by jury in criminal cases during the reigns of the earlier Anglo-Norman kings, we have clear proof in the writings of Bracton, who lived in the reign of Henry III., that it was by that time generally prevalent; and a statute passed very early in Edward I.'s reign* fully declares the trial of accused felons by inquest, that is, by jury, to be "the common law of the land." Even in cases where a single accuser or appellant instituted the charge, it by no means followed that the issue was determined by a duel. As a general rule, the accused party had his option of defending himself *per corpus*, that is, of venturing his body in single combat, or *per patriam*, that is, of putting himself upon the country, and leaving it to a jury to convict or absolve him. Many technicalities and forms were to be strictly observed in order to make the trial by battle lawful; and as men began to discern the true character of this mode of trial, that it was as unfair as the ordeal, and almost equally impious, it became more and more rare in practice, though it was part of our law until the present century, and it was only by a blunder on the part of the appellant in the formal mode of making his demand, that Lord Ellenborough and the other

* See Statute of Westminster 1st, chap. xii.; and see Reeve's History of the English Law, vol. i. p. 134. That learned writer considers this statute to have been passed as auxiliary to the establishment of trial by jury in preference to all others then in use. See also Mr. Reeve's comment on the words in this statute, "la prisone forte et dure."

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judges of the King's Bench were saved from having to sit in Tothill-fields from morning until, it might be, the rising of the stars, and see the appellant Ashcroft do battle with the appellee Thornton.* On the other hand, there was (at least in Bracton's time) one kind of murder which, if charged by way of appeal, could only be tried by battle. This was where the murder had been committed by poisoning. It was considered impossible that the neighbourhood could have any sufficient knowledge of a crime so secret in its character as poisoning, and it was therefore considered unfit to try it by a jury. Nothing could illustrate more forcibly the great distinction between these ancient juries and the juries of the present time, which has been already adverted to when we were considering civil trials. Our juries form their opinion and give their verdict according to the evidence of the witnesses, who give testimony; whereas the ancient juries gave their verdicts from their own knowledge of the facts of the case; and great care was therefore taken that the juries should be of the neighbourhood where the offence was committed.†

* See Ashcroft and Thornton, 1 Barnewall and Cresswell's Reports. The Act abolishing wager of battle was passed in the following session of parliament.

† See, *inter alia*, the statute Articuli super Cartas, 28 Edw. I. chap. ix. It is to be remembered that in those times the proportion of crimes of violence against the person, or of robbery accompanied with violence, was far greater, as compared with crimes against property, than is the case now. So long as the old law of Frank-pledge was strictly observed, and while the directions in Edward's Statute of Winchester and Statute of Coroners were observed as to the prompt and minute local examinations to be made, and the fresh pursuit by hue and cry to be instituted directly it was known that any crime of violence had been committed, the men of the neighbourhood were reasonably certain to be able to tell who were and who were not the guilty parties.

For an account of the gradual introduction of witnesses (not being jurors) to give evidence before jurors, see Forsyth's History of Trial by Jury.

We may, however, consider that trial by jury was established in England in Edward I.'s time, so far as regards its essential principles; those principles being that a free Englishman, when charged with any offence, has a right to have the question of fact whether he did or whether he did not do the act imputed to him, decided in a public trial by a body of private individuals fairly taken from among those who are the accused man's equals in the eye of the law. It is also a principle of English trial by jury (which has secured its development and permanence*) that the province of the jury is limited to giving a true saying (verdict) to the court on the question of fact, whether the accused party is or is not guilty. The jury are not the court; they have nothing to do with the process, or with the law of the case. They do not pronounce either judgment or sentence. The court, which is composed of a judge or judges appointed by the Crown, does this; but the court cannot of itself pronounce that any man is guilty. All these principles were established and in general operation before the close of Edward I.'s reign; and no man did more than he did towards their establishment and ascendancy in our constitutional jurisprudence and in the practical administration of justice.

The old Saxon tribunal of the County-Court still dealt with civil causes of small amount; and the Courts Baron of the numerous Lords of Manors (at which the lord's tenants were bound to attend and "do suit and service") exercised jurisdiction over

The County-Court.

The Courts Baron.

* See Mr. Forsyth's valuable remarks on this (History of Trial by Jury, chap. i. sect. 2). He points out that the inevitable results of leaving the whole of a case, law as well as fact, to a popular tribunal, is to cause the introduction of legal functionaries as assessors, who ultimately supersede the lay members of the court.

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numerous local matters of minor importance. But the proceedings of these and other inferior courts were under the supervision of the Court of King's Bench, which promptly interfered to check any attempt at excess of jurisdiction, or any substantial irregularity or violation of the natural principles of justice. This supervision did much to maintain uniformity in our law; an advantage which was secured in a still greater degree by the admirable system already described of sending the judges of the superior courts at stated periods on "Eyres," or circuits through the land, to preside over the trials of both civil and criminal cases.*

Regulations for speedy trial.

Speediness of trial is almost as important as fairness of trial in criminal cases. Our law at this time carefully provided for it by the regulations already referred to, for the periodical circuits of the king's justices, and for those justices, when on circuit, delivering the gaols of all prisoners who were not imprisoned there under the sentence of some competent court, pronounced in due course of law. No man who had not been so sentenced could be kept in prison without trial beyond the time of the next assizes after his commitment. And even with regard to the period of intermediate detention for the purpose of trial, the law provided carefully that no man should be detained in custody at all, except under a warrant of commitment by a proper authority, specifying the offence with which the prisoner was charged. If no adequate legal offence

Against wrongful imprisonment.

* The justices in Eyre were not always justices of the superior courts, but they generally were so; and those persons, other than the judges of the superior courts, who were occasionally commissioned as Justices on circuits, were always (I believe) practitioners of eminence in the Westminster Courts.

See Mr. Hallam's eloquent observations (Middle Ages, vol. ii. p. 334) on the admirable effect of this institution in preventing our common-law from being split "like that of France into a multitude of local customs."

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The law of bail.

was set forth, the man was entitled to be set free; and even when a crime was regularly charged against him, he had a right (except in some cases where especially heinous guilt was imputed, and where very strong presumptions of guilt existed) to be set at liberty on giving sufficient surety or bail that he would appear at the proper time and place to stand his trial.* These great rights of personal liberty, which are founded on the emphatic words of the Great Charter, "*Nullus liber homo capiatur vel imprisonetur nisi per legale judicium parium suorum, vel per legem terræ,*" were assured in practice by the writ of Habeas Corpus, and by the writ De Homine Replegiando: the first of which could be sued out of the Court of King's Bench or the High Court of Chancery, on behalf of any one, if it was suggested that he was illegally imprisoned or deprived of full personal liberty by any person whatever; and the second of which was issuable out of the Court of Queen's Bench for similarly remedial purposes.†

Habeas Corpus.

* The provisions of the Statute of Westminster the 1st are very minute as to the law of bail. And this statute, by which the law of bail was settled in Edward I.'s time, was "adopted in later times as the rule by which justices of the peace should govern themselves." See Reeve, vol. ii. p. 133. The 36th clause of the Great Charter, as granted by John (the 26th in the Charter as re-granted by Henry III. and confirmed by Edward I.) contains an important provision to prevent men being kept in prison by false charges for homicide. See the comments on this clause in Reeve, vol. i. p. 250; Thomson's Magna Carta; and Rise and Progress of the Constitution, p. 147.

† The principle on which the common-law writ of Habeas Corpus has always issued out of these courts, is that the king has a right to inquire the causes for which any of his subjects are deprived of their liberty; and the writ was originally sued out either in the Court of King's Bench, in which the sovereign is supposed to be always present, and which is the supreme criminal court of the whole realm, or in the High Court of Chancery, the presiding judge of which is specially bound to attend to aught that touched the king's conscience, and which is a court supposed to be always open to the subject as "officina justitiæ." The power of issuing common-law writs of Habeas Corpus was not assumed by the other superior courts at Westminster till a much later period than the times which we are now considering.

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Edward's policy towards the Church.

This sketch of King Edward's reign ought not to be closed without some remarks on the policy pursued by him towards the Church, meaning his conduct in respect of the claims of the Pope, as well as his treatment of his own English clergy. Towards the Pope he was prudent and firm; towards his own churchmen he was something more and something worse. We have already spoken of the Statutes of Mortmain, and of "Circumspectè Agatis." Those were necessary and wise measures, and they have received the almost unanimous applause of posterity. But Edward's demands on his clergy for grants of money were frequent and violent. At last in rage he required of them a subsidy of half their annual revenues. Further imposts of the same nature followed. On the other side, Pope Boniface (who wished to monopolise the power of plundering the English Church), put forth (1296) the Bull entitled "Clericis laicus," which forbade the clergy to grant or pay to laymen out of their ecclesiastical revenues any tax or impost under any pretext whatever, unless the Pope's consent was previously

His exactions of money from his clergy.

The Pope forbids the clergy to pay taxes to the state.

I have no doubt that Mr. Hallam is quite right (Middle Ages, vol. ii. p. 325) in speaking of the writ of Habeas Corpus as coeval with the Great Charter, although I have not been able to ascertain what are the earliest memorials extant of the actual use of this justly renowned and valued safeguard of personal freedom.

The writ De Homine Replegiando is described by Bracton as in use in his time, that is, during the reign of Henry III. It was commonly employed for the purpose of making the sheriff take bail in bailable cases; but it also might be used not only where officers of justice kept accused parties in illegal custody, but where private persons put any corporal duress or restraint of liberty on each other. See Reeve, vol. ii. p. 36. The writ De Homine Replegiando was employed as a remedy against the alleged unlawful detention of a young lady by private persons, as late as the reign of Charles II.; but I believe that Serjeant Maynard then revived it out of long disuse. See the conclusion of the trial of Lord Grey in the State Trials for the discussion before the court (while the jury were considering their verdict) as to the disposal of the Lady Henrietta Berkeley under this writ.

obtained. Robert Winchelsea, the Archbishop of Canterbury, co-operated with the Pope, and openly declared that when the authority of his temporal lord the King clashed with the authority of his spiritual lord the Pope, obedience was to be paid to the commands of the spiritual superior. Edward bore down this opposition by a kind of state excommunication that was calm and dignified in form, but terribly effective in substance. He adopted the principle that a body of men who refused to contribute to the support of the Government forfeited all right to be protected by the Government. The Chief Justice of the King's Bench announced as a rule of Court, that the proctors and attorneys of clergymen of every degree would no longer be heard in the King's Courts to make claim or defence, but that justice would still be done against clergymen in behalf of any who demanded it. The clergy instantly found their persons and their property at the mercy of every spoiler. They soon gave way, and consented to pay the King's demand, and also a fine for their late insult to his authority. The more scrupulous among them were allowed to salve their consciences as to their duty towards the Pope, by placing the money, not actually in the hands of the King's collectors, but in some sanctuary for the good of Church and State, it being well known that the King's officers would forthwith remove it.

Edward bears down the clerical opposition.

The non-paying clergy are placed out of the pale of the law.

There was also a bold attempt made by Pope Boniface to interfere with the English rights as to Scotland, which King Edward and his people encountered with spirit, dignity, and success. In 1299, while the war which Wallace had kindled was still unextinguished, but when the superiority of the English force had been manifested, the Scottish chiefs sought relief by

The Pope interferes with the King's rights to Scotland.

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obtaining the intervention of the Pope. There seems to have been some obscure legend that Scotland had once been a fief of the Church of Rome, and the Scottish regents now proclaimed this to be a fact, and called on Pope Boniface to protect his liege subjects the Scots from the unjust aggressions of the King of England. Boniface eagerly caught at this opportunity of aggrandisement. He put forth a bull, which declared that from times of old the kingdom of Scotland did and doth still belong in full right to the see of Rome, and that neither King Edward, nor any of his ancestors on the throne of England, enjoyed over it any feudal superiority. It enjoined the King to release his Scottish prisoners, and to withdraw his officers from the country. It then mildly gave the King permission, in case he still had any doubt as to the superior title of the Pope to Scotland, to send ambassadors, who might argue the case before the Pope himself at Rome. This bull was delivered to the King in his camp before Caerlaverock by Archbishop Winchelsea, the thorough partisan of Rome; and the archbishop added an exhortation of his own, in which he announced the blessing and protection of Mount Sion and Jerusalem for the devout Scots. King Edward fiercely replied that neither Mount Sion nor Jerusalem should make him abandon his well-known rights. After deliberation with the chief English nobles and ministers who were with him, he sent a more formal and dignified answer, in which he stated, "It is the custom of England that, on matters affecting the realm, all whose interests are concerned must be consulted; and since the present matter affects not only the rights of Scotland, but the rights of England also, and since there are many prelates, earls, barons, and great men, who are not here with this array, and

The Pope claims Scotland as his own.

The Archbishop of Canterbury exhorts King Edward to comply.

whose opinions I desire to take, I cannot now return an answer to my Holy Father; but I will hold a council as soon as possible, and I will then transmit an answer to His Holiness in accordance with their joint advice and determination."

Parliament of Lincoln summoned.

This matter accordingly was one of the subjects brought before the celebrated Parliament of Lincoln in 1301, which was attended by an unusually large number of lay barons and earls, as well as of prelates and mitred abbots, by knights of the shires, and by representatives of the cities and boroughs. The King also summoned sixteen masters, learned in the law, who probably were practitioners of the common law in the King's Courts, and he ordered also the Chancellors of Oxford and Cambridge to send a certain number of discreet persons best versed in the written law. These we may consider to have been canonists and civilians. They were to discuss with the King his rights and dominion as to the kingdom of Scotland.

Prudent but firm conduct of King Edward.

There where strong reasons why King Edward should not appear as the personal antagonist of the Pope in this matter. The dispute between Edward and King Philip of France as to Guienne was still pending before the Pope as arbitrator; and the castles and the strong cities of the disputed territory were still held by the Pope's officers. It was agreed at Lincoln that the English answer to these claims of Rome should be sent in the name of the Barons of England. Accordingly a manifesto was prepared, which set forth in uncompromising terms the rights of the English Crown over Scotland. It further asserted, with equal clearness and firmness, both the total independence of the English King from control by any foreign power, and the fact that his royal authority is limited by the constitution of his own

The English barons give the English answer.

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realm. The Peers of England told the Pope, "It is our common and unanimous resolution (and by the grace of God it shall continue so) that our Lord the King shall not plead before you, nor submit in any manner to your judgment with respect to his rights as to his kingdom of Scotland, or as to any other his temporal rights: nor shall he suffer his said rights to be treated as questionable by any discussion as to the same. To do so would be to betray the rights of the Crown of England, the constitution of the State, and the liberties, laws, and customs which we have inherited from our fathers. These are rights which we have sworn to maintain, and, by God's help, we are prepared to defend them with all our might. We do not permit, we ought not to permit, our Lord the King to do the things demanded of him; and even if he were minded to do so, we would not allow him to do them, or to make the attempt. In witness whereof, we, for ourselves and in behalf of the whole community of the English nation, to this letter append our seals."

The Pope abandons the Scots.

This State document was sent to the Pope with the seals of one hundred and four English earls and barons annexed to it. The growing quarrel between Pope Boniface and King Philip of France made the Roman Pontiff before long desirous to conciliate the English, and he not only desisted from any efforts in favour of the Scots, but in the following year he publicly reproved the Archbishop of Glasgow and other Scottish prelates for persevering in an unnatural rebellion, and exhorted them to be at peace with Edward their King.

Close of this reign an epoch in English History.

The conclusion of Edward I.'s reign makes an important epoch in our national history, and especially in the history of our constitution. It is the period at which we may safely assert English nationality to have

been perfected. The various races, of which our population is mainly composed—the Romanised Celtic, the Germanic, the Scandinavian, and the Norman—were then thoroughly blended into one English people; all regarding England as their national home, and each other as fellow-countrymen; all speaking the same language, and all living under the same principal institutions and laws. And the nationality which then existed has endured in existence until the present time. There have been changes, there have been additions, there has been development; but the nationality still has been and still is essentially the same. No new elements of population of any importance have been added to the four which have been enumerated. The language spoken almost universally in England before the end of Edward I.'s reign was English, the same language that we now speak and write, though the old specimens seem archaic and strange to us as to orthography and form. We retain also the same great constitutional and legal principles that then were recognised and established.

Our present English nationality then established.

As to race.

Language.

Chief political institutions.

A few remarks on these propositions will not be out of place here.

The fortunate loss of Normandy in King John's time had been the main cause of the cessation of the haughty scorn, with which the Anglo-Normans had previously regarded the Anglo-Saxons, and of the sullen hatred with which that scorn had been requited. Thenceforth our Barons' only homes were in this island. During the long reign of Henry III. the partiality of that Prince for his Poitevine courtiers and the Italian ecclesiastics, who flocked hither to share in the King's favour and in the plunder of the English Church and State, tended more and more to knit together all born in this land in opposition to the

Unity of race.

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insolent and rapacious foreigners; and hence there grew up a common feeling of English patriotism among the descendants of the victors as well as of the vanquished at Hastings. King Edward's barons, as we have seen in their manifesto to Pope Boniface, proclaimed their rights and duties as Englishmen, and they professed to act, not for their own order only, but in behalf of the whole community of the land. Edward's wise policy of avoiding schemes of conquest on the Continent, while striving to consolidate the whole of Great Britain into one kingdom, intensified this insular feeling, as was proved unpleasantly to him in 1297, when his great barons refused to render him military service abroad in the war, by which the aggressions of Philip of France had forced Edward to defend his rights, not as King of England, but as Duke of Aquitaine.*

English becomes the mother-tongue of the higher as well as of the other classes during Edward I.'s reign.

Allusion has been already made to the specimen of the early English language, which we possess in the ballad on the Battle of Lewes. A State Proclamation of King Henry III. to the people of Huntingdonshire in English, essentially the same as our present tongue has also come down to us. This was the language of the great mass of the nation for some time before it became the language of the Court, or of the nobility and their domestic circles. The descendants of the Norman barons who came over with Duke William long spoke and trained their children to speak, their own Norman French dialect. English was disdained by them as servile; hence the romances and chronicles that were written for the amusement and the edification of princes and nobles were composed in Norman-French, and that such was the case as late as Edward I.'s reig

* See the observations of Dean Hook on this, Lives of Archbishops vol. iii. p. 409.

is proved by (among many other things) the original chronicle of Peter Langtoft, or, as he styled himself, Pierre de Langtoft, who was a churchman of the north of England, and wrote at this period, at the desire and under the patronage of a man of rank and power named Scaffeld. But, as distinctions of race died out in England, the home language of the community gained more and more upon that which the Norman nobles had brought from beyond sea. Langtoft's chronicle was speedily published in an English translation by Robert Brunne, and there is clear proof that before the end of Edward's reign French was taught to the children of the aristocracy, even as now, as an accomplishment—by which I mean something necessary for completing a high-born person's ability to move gracefully and usefully in his proper sphere—but that English* had become their mother tongue.*

Our institutions.

I have already in this, and in another work,† pointed out in detail how the great Charter, and its most important supplement, the "Confirmation of the Charters" (passed finally in 1300), recognise and establish the great primary principles of our Constitution, such as

* "French was, of course, the language of the Norman Barons in England; and for a long period, perhaps till towards the middle of the 13th century, it was the mother tongue of our aristocracy. That is, the child learnt French from the breast, and whatever he afterwards knew of English he acquired by subsequent teaching. We cannot tell exactly at what period this state of things generally ceased; but at the close of the 13th century we find a knight named Walter de Billesworth compiling, at the request of a noble English lady, the lady Dionysia de Montchesney, a treatise for teaching French to the children of the aristocracy. As the French text of this treatise is accompanied by an interlinear explanatory gloss in English, it proves beyond any doubt that, at the close of the 13th century, the mother tongue of the English aristocracy was English, and that their children were taught French when they had reached an age capable of [redacted]ing another language." Preface to Mr. Wright's edition of the [redacted]nicle of Pierre de Langtoft, p. xxvii.

[redacted]Rise and Progress of the English Constitution, chap. xiii. See also [redacted]7, *supra*.

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they still exist, and as, I trust, they will long endur I will only recapitulate the three chief of those prin ciples here :—

The three chief Principles of our Constitution.

1. The government of the country by a hereditar Sovereign, ruling with limited powers, and bound t summon and consult a Parliament for the whole realn comprising hereditary peers and elective represent tives of the commons.

2. That without the sanction of Parliament no ta of any kind can be imposed, and no law can be made repealed, or altered.

3. That no man be arbitrarily fined or imprisoned that no man's property or liberty be impaired; and that no man be in any way punished except after a lawful trial.

Centralisation of power in imperial matters.

On these principles are based nearly all our mos valuable institutions; and almost every part of then bears the stamp of the vigorous and far-seeing min of King Edward I. And no man did more than he

Local self-government in local matters.

while keeping up imperial centralisation of power i imperial matters, to maintain and develope the health spirit of local self-government in local matters, to whic so much of our national greatness is justly ascribed.

Edward compared with other great English rulers.

The name of Alfred may shine with a purer lustre but Saxon England was so different from what Eng land became after the coming over of the Normans that comparisons between men of the two periods ar almost impracticable. Of those who have held sove reign power here after the Saxon times, William th Conqueror can best stand to be compared with Kin Edward I. for political as well as military energy, an for sagacity as a statesman and a legislator. But th intense selfishness, and the systematic cruelty an rapacity of William degrade him far below the g Plantagenet. Edward III. and Henry V. neglec

England's true interests for schemes of Continental conquest, which were impolitic in their purpose, and which were unjust as to the warfare by which they were carried on. Edward I. wisely let the Continent alone as much as possible, and endeavoured to effect the consolidation of the various realms of the Britannic Islands; and he sought to effect this upon fair opportunity and by perfectly just proceedings. Henry VIII. had high intellect and statesman-like energy and skill; but the savage sensualism of the chief Tudor King only makes us admire the more the pure domestic virtues by which the First Edward Plantagenet adorned our throne. As a legislator, King Edward I. is immeasurably superior to all his successors, including Cromwell and William III. His character is far from blameless; and the arbitrary and harsh acts, by which his old age unbeseemed his earlier years, have been fully recorded here. But if we take a comprehensive and an unprejudiced view of his whole career, we shall rest satisfied that few greater men have ever reigned; and that there has been hardly any man, either royal or subject, to whom Englishmen ought to look with more gratitude than to King Edward I., as the promoter of our power, and as the ordainer of our laws and our Constitution.

ERRATA.

'age 176, line 19, for "Earldormen" *read* "Ealdormen."
186, lines 9 and 12, for "Ceadmon" *read* "Cædmon."

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